United Nations A/HRC/WG.6/31/MCO/1

General Assembly

Distr.: General
17 August 2018
English
Original: French

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-first session
5–16 November 2018

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Monaco

* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.

GE.18-13645 (E) 170918 180918

1813645

Please recycle

Contents

		Page
I.	Preparation of the report	3
II.	Progress achieved in the field of human rights	3
	A. Changes to domestic law	3
	B. Signature and ratification of international instruments	4
	C. New institutions for the promotion and protection of human rights	5
III.	Implementation of recommendations from previous cycles	5
	A. Full implementation of accepted recommendations	5
	B. Partial implementation of accepted recommendations	15
	C. Recommendations that are or have been the subject of further study	15
IV.	International cooperation	17
	Conclusion	18

I. Preparation of the report

1. The Principality of Monaco presented its second national report on the human rights situation in Monaco to the seventeenth session of the Working Group on the Universal Periodic Review (A/HRC/WG.6/17/MCO/1) on 28 October 2013. The Working Group adopted its report on 31 October 2013.

2. The Human Rights Council adopted the report of the Working Group at its twenty-fifth session on 3 January 2014 (A/HRC/25/12). In total, 81 recommendations were made in respect of Monaco.

3. Eleven of those recommendations did not enjoy the support of Monaco (and shall not therefore be addressed in this report) owing to the specific features of the Principality — a constitutional monarchy covering an area of 2.03 km^2 and home to just 38,300 inhabitants, 9,259 of whom have Monegasque nationality (Monegasque Institute of Statistics and Economic Studies, 2017)[1] — or the existence of different mechanisms to achieve similar objectives.

4. The present report therefore covers the implementation up to August 2018, of the 51 recommendations accepted by Monaco and the remaining 19 recommendations that Monaco undertook to take up at a later date.

5. This document contains:

- The views submitted by Monaco following its second review (see A/HRC/25/12/Add.1, dated 27 February 2014)
- The progress made by Monaco since its last review, as detailed in the interim report of 12 April 2017, which was submitted on a voluntary basis
- The updated replies of 2018, including a table showing the status of the recommendations

6. During various consultations, the Department of Foreign Affairs and Cooperation received contributions from the following entities: the Department of Health and Social Affairs, the Department of the Interior, the Directorate of Civil Service Training and Human Resources, the Directorate of Legal Affairs and the Directorate of Judicial Services.

7. This third report begins by outlining the changes made since 2013, namely the adoption of legislation, the ratification and/or signature of international instruments and the establishment of new institutions. In the final section, an update on the implementation of the recommendations is provided.

II. Progress achieved in the field of human rights

8. Developments since the previous review of 2013 as regards the normative and institutional framework for the promotion and protection of human rights.

A. Changes to domestic law

9. Laws adopted include:

- Sovereign Ordinance No. 4.524 of 30 October 2013 establishing the Office of the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation
- Act No. 1.409 of 22 October 2014, amending Act No. 839 of 23 February 1968 on national and municipal elections, making it possible for detainees to exercise their right to vote through a proxy

[1] Monegasque Institute of Statistics and Economic Studies: http://www.imsee.mc/.

- Act No. 1.410 of 2 December 2014 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities
- Sovereign Ordinance No. 5.193 of 30 January 2015 on disability evaluation boards and Sovereign Ordinance No. 5.194 of 30 January 2015 establishing a careers guidance commission for workers with disabilities
- Act No. 1.415 of June 2015 amending Act No. 771 of 25 July 1964 on the organization and functioning of the National Council
- Act No. 1.421 of 11 December 2015 providing for various measures relating to the responsibility of the State and means of redress
- Sovereign Ordinance No. 5.743 of 3 March 2016 on State medical assistance
- Act No. 1.425 of 6 May 2016 establishing State financial assistance to facilitate access to loans for students
- Act No. 1.435 of 8 November 2016 on combating cybercrime
- Act No. 1.440 of 5 December 2016 amending certain provisions of the Civil Code relating to names and establishing pre-birth recognition of the child
- Act No. 1.441 of 5 December 2016 on ensuring the accessibility of the built environment
- Act No. 1.454 of 30 October 2017 relating to medical consent and information, which legally and comprehensively enshrines the requirement for the prior consent of the patient, in line with the jurisprudence of the European Court of Human Rights relating to article 8 of the European Convention on Human Rights
- Act No. 1.457 of 12 December 2017 regarding harassment and violence in the workplace

B. Signature and ratification of international instruments

10. The following conventions were ratified:

- Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), in 2014
- Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2014
- Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), in 2014
- Council of Europe Convention on Action against Trafficking in Human Beings, in 2015
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2016
- Council of Europe Convention on the Prevention of Terrorism (CETS No. 196), in 2016
- Protocol amending the European Convention on the Suppression of Terrorism (ETS No. 190), in 2016
- Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217), in 2016
- Council of Europe Convention on Cybercrime and its Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, in 2017
- United Nations Convention on the Rights of Persons with Disabilities, in 2017

C. New institutions for the promotion and protection of human rights

11. **The Office of the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation** was established by Sovereign Ordinance No. 4.524 of 30 October 2013. The High Commissioner was appointed by His Serene Highness the Sovereign Prince on 3 February 2014. The Commissioner's main functions are to protect citizens in their dealings with the authorities and to combat unjustified discrimination.

12. **The Association for the Support of Victims of Crime (AVIP)** was established in July 2014 pursuant to Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence. The Association's purpose, as approved through Ministerial Decision No. 2014-660 of 20 November 2014, is to provide support to victims of criminal offences, including victims of violence in general (physical, sexual, emotional etc.), free of charge and on a confidential basis.

13. **An interministerial committee for the promotion and protection of women's rights is currently being established**. Its purpose will be to promote effective, comprehensive and long-term policies by fostering greater cooperation between government departments and between the Government and relevant associations.

III. Implementation of recommendations from previous cycles

14. Follow-up to the recommendations made at the time of the previous review of 28 October 2013 and supported by Monaco.

15. For the record, 81 recommendations were made by the Working Group on the Universal Periodic Review.

16. It may be recalled that:

- Monaco accepted 51 recommendations (Nos. 89.1 to 89.51), some of which have since been implemented; others related to follow-up on actions already undertaken.
- A further 19 recommendations warranted further study, at the request of Monaco (Nos. 90.1 to 90.19). Recommendations Nos. 90.2 and 3 have subsequently been implemented.
- The remaining 11 recommendations did not enjoy the support of Monaco (Nos. 91.1 to 91.11).

A. Full implementation of accepted recommendations

Recommendations 89.1 to 89.9 concerning ratification of the Convention on the Rights of Persons with Disabilities, which Monaco signed in 2009

17. The Convention on the Rights of Persons with Disabilities was ratified on 19 September 2017 and given the force of law by Sovereign Ordinance No. 6.630 of 2 November 2017.

18. It should be noted that two laws had previously been adopted in 2014 and 2016, on the rights and freedoms of persons with disabilities and on the accessibility of the built environment, respectively (see section II.A above regarding changes to domestic law).

Recommendation 89.10 on adopting and implementing a law on the functioning and organization of the National Council in order to reflect the changes that were made to the Constitution of 2002

19. In June 2015, Act No. 1.415, amending Act No. 771 of 25 July 1964 on the organization and functioning of the National Council, was adopted, thus bringing the organization and functioning of the National Council into line with the amended Constitution of 2 April 2002.

20. In that respect, the Act reflected the amendment made to article 58 of the Constitution regarding the dates of regular sessions, now the first working days of April and October rather than of May and November, and the duration of each session, which was increased from two to three months. Moreover, Act No. 1.415 repealed article 24 of Act No. 771 allowing the Minister of State to request an adjournment of the discussion whenever a proposal or an amendment was presented during the discussion, since it had become contrary to the new wording of article 67 of the Constitution.

Recommendation 89.11 regarding the inclusion in domestic law of a definition of torture in compliance with the provisions of the Convention against Torture

21. First, it should be noted that Monegasque domestic law already deals comprehensively with the concept of torture at various levels of the legal system.

22. Second, the courts interpret the term "torture and other cruel, inhuman or degrading treatment" broadly, with the result that the definitions contained in the Convention against Torture and the International Covenant on Civil and Political Rights are covered in the application of Monegasque legislation.

23. Lastly, the definition provided for in the Convention forms part of the domestic legal order and, in the rulings of the highest courts (the Supreme Court, the Court of Review and the Court of Appeal), judges often directly refer to international treaties.

Recommendation 89.13 concerning the bill on the promotion and protection of the rights of persons with disabilities

(See the information provided regarding recommendation 89.24 on protection policies for persons with disabilities.)

24. Act No. 1.410 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities was adopted on 2 December 2014.

25. The Act addresses the situation of persons with disabilities in a comprehensive manner. It aims to define the concept of disability, taking into account the practical consequences of how the permanent, or at least long-lasting, substantial alteration of one or more physical, sensory, mental, cognitive or psychological functions affects a person's interaction with their environment and quality of life.

26. The bill defines all types of measures (such as the need for human, technical or financial assistance) with a view to ensuring the greatest possible independence for persons with disabilities while respecting their life plans.

27. The purpose of the bill is to ensure respect for the rights and freedoms of such persons. The operative part of the bill sets forth in particular access to employment and sheltered employment, the allocation of various allowances to ensure that persons with disabilities have sufficient resources, facilitated access in the city and to public transport, as well as care and schooling for children with disabilities. In addition, provisions have now been introduced to recognize family caregivers.

Recommendations 89.14 to 89.23 on the establishment of a national human rights institution

28. These recommendations were accepted at the time of the 2013 review and are considered to have already been implemented.

29. Under Sovereign Ordinance No. 4.524 of 30 October 2013, the Office of the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation was established, with responsibilities including those previously assigned to the Minister responsible for appeals and mediation.

30. The Office of the High Commissioner is thus responsible for handling appeals and disputes between citizens or users and the authorities or public services, which include the executive branch departments under the direct authority of the Minister of State and the

departments attached to the judiciary, the National Council, the Commune and public institutions.

31. The role of the High Commissioner entails a number of guarantees, such as neutrality, impartiality and operational and financial independence. The guarantees enshrined in the aforementioned Ordinance also apply to the procedures for referring cases to the High Commissioner and to his or her powers to investigate and make recommendations to the administrative authorities.

32. All relevant information about the Office of the High Commissioner is available at the following website: www.hautcommissariat.mc.

Recommendation 89.24 on the further strengthening of protection policies for children, women and persons with disabilities

33. Monaco is deeply committed to protecting the most vulnerable persons (see second report of Monaco of 23 July 2013). Attention may here be drawn to measures such as ensuring the accessibility of buildings and public transport, the provision of support and schooling for persons with disabilities, the establishment of adequate care facilities for victims of violence, the training provided to professionals who come into contact with victims and the prevention measures put in place. Activities in this area have only increased in recent years.

Special measures for women and children

(See the information provided regarding recommendation 89.38 concerning the law on specific forms of violence)

34. An interministerial committee for the promotion and protection of women's rights, composed of administrative services and relevant associations, is being set up. Its purpose will be to ensure — through the exchange of information between its members — the coordination, implementation, monitoring and evaluation of national policies and measures taken to prevent and combat all forms of violence and discrimination against women.

35. The forms of discrimination concerned are those covered by the following conventions: the Convention on Action against Trafficking in Human Beings of 2005, the Istanbul Convention of 2011 and the Convention on the Elimination of All Forms of Discrimination against Women of 1979.

36. This committee will thus follow up on the recommendations adopted by the international bodies responsible for monitoring States parties' implementation of international conventions.

37. The International Day to Combat Violence against Women has been observed on 25 November each year since 2016 and the activities of government and health-care services have been aligned in order to provide individualized care in cases of domestic violence.

38. The Lanzarote Convention and the Istanbul Convention were both ratified in 2014.

Measures taken regarding persons with disabilities

(See the information provided regarding recommendation 89.13 on the Act aimed at protecting and promoting the rights of persons with disabilities.)

39. Social welfare has been strengthened through the allocation of additional human resources to the Social Inclusion and Disability Division of the Department of Social Welfare and Social Services, which is under the authority of the Department of Health and Social Affairs.

Regarding adults

40. Following on from Sovereign Ordinance No. 5.194 of 30 January 2015 establishing a careers guidance commission for workers with disabilities, the Government approved a number of measures on 26 October 2016 aimed at fostering the social inclusion, within the

Administration, of persons recognized as workers with disabilities. As a result, such persons are now governed by civil service or other regulations applicable to State officials and are therefore able to enjoy the attendant benefits (permanent employment, promotions, annual appraisals and social benefits).

Regarding minors

41. In accordance with Act No. 1.334 of 12 July 2007 on education and Act No. 1.410 of 2 December 2014 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities, significant progress has been achieved in the Monegasque educational system. There are 6,309 pupils, ranging from early years up to the final year of secondary education; 12 schools, 9 of which are public schools; and 11 municipal crèches in Monaco (Monegasque Institute of Statistics and Economic Studies, 2017 data).

42. Specific measures include:

- Special classes for pupils with "dys-" disorders (such as dysphasia and dyspraxia) and learning difficulties. There are currently 20 such pupils in primary and secondary education.
- Adaptation and integration classes for pupils with intellectual disabilities, autism or personality disorders. There are currently 15 such pupils in primary and secondary education.
- Regular disability awareness workshops for schools in the Principality.

43. Moreover, a specialized education centre will open in September 2018, under the aegis of the Department of Health and Social Affairs. With a capacity of 15 places, the centre will provide individualized educational support that takes into account every aspect of a child with disabilities. Support will be offered to aid in his or her education, foster his or her social inclusion and help him or her to achieve a degree of autonomy. The centre also supports family members in the acceptance and day-to-day management of the disability or disorder.

44. Lastly, a project to build an outpatient facility is under way. It will have 15 daybeds in children's psychiatry and provide care for children with serious behavioural problems that are incompatible with their continued schooling. The hospital will therefore offer health care while also supporting the children academically.

Recommendation 89.25 on the continuation of efforts towards older persons

45. The Principality of Monaco is continuing its policy in support of older persons. Of the 38,300 persons residing in Monaco, 25.9 per cent are aged 65 and over (Monegasque Institute of Statistics and Economic Studies, 2017 data).

46. The following initiatives should be noted:

- Opening of the Rainier III Clinical Gerontology Centre (210 beds) in February 2013.
- Enabling older persons to stay at home or as long as possible and in good living conditions through projects, under the remit of the Gerontological Coordination Centre of Monaco, to provide home adaptations, support, medical and paramedical response, carers and assistance with transportation. This approach has often been cited by the World Health Organization as an example of best practice.
- Modernizing the Résidence du Cap Fleuri, a residential facility for dependent older persons. The Government is planning to establish a unit within that facility for older persons with psychosocial disabilities who need special care.
- Implementing an intergenerational cooperation project involving the Department of Education, Youth and Sports and the welfare services for older persons, run by the Mayor of Monaco.

Recommendations 89.26 and 89.27 on the continuation of efforts, including awareness-raising, in the field of human rights

47. The Monegasque education system places an emphasis on humanist values, not only in terms of the content of actual lessons but also through many extracurricular activities.

48. Various initiatives are being developed within that framework, including:

- Establishing Health and Citizenship Educational Committees in secondary schools with the aim of encouraging discussion among students about mutual assistance and the types of behaviour that can help build self-respect and respect for others.
- Providing in-service training for teachers on teaching methods that empower students and encourage their participation.
- Conducting awareness-raising activities as part of a "Say 'No' to Harassment" day, aimed at combating violence in schools; introducing the concept of harassment into schools' rules of procedure; and organizing networking lunches, at the hospitality and technical secondary school of Monaco, which provide the opportunity to discuss diverse topics including sexual discrimination.
- Commemorating various international days such as the International Day of Peace, on 21 September; International Day of Disabled Persons, on 9 October; Universal Children's Day, on 20 November; International Day for the Elimination of Violence against Women, on 25 November; Day of Remembrance of the Holocaust and for the Prevention of Crimes against Humanity, on 27 January; and International Day of Sport for Development and Peace, on 10 May.
- Arranging the Princess Charlene rally to support the development of peace through sport; the Week of Solidarity in association with the Monegasque and French Red Cross organizations; and activities with Educate, a non-governmental organization (NGO), such as the building of a school yurt in Mongolia in 2018 with the help of students.
- Establishing a partnership between the Department of Education, Youth and Sports and the PeaceJam Foundation for the purpose of introducing young people to the lives and work of Nobel Peace Prize laureates in an interactive format.

49. Other examples include a symposium in June 2018 on children's rights, organized by the Department of Foreign Affairs and Cooperation and chaired by Her Royal Highness the Princess of Hanover. The theme of the symposium was violence against children in family and school contexts.

50. Participants included Marta Santos Pais, the Special Representative of the Secretary-General on Violence against Children, and Elda Moreno, Head of the Children's Rights and Sport Values Department of the Council of Europe.

Recommendation 89.28 on human rights training for judges and police personnel

51. The initial training for judiciary staff and police officers includes matters relating to human rights.

52. A module on discrimination is taught to police cadets at the police academy of the Department of Public Security as part of a course on ethics and professional standards in policing.

53. In addition, the Monegasque authorities are carrying out numerous specific initiatives on human rights education as part of the in-service training of all civil servants and law enforcement officials.

54. For example, on 19 April 2013, the Government held a training workshop on racial discrimination and racism for employee and employer members of the Labour Court and for judicial and police personnel.

55. The conference was led by Nils Muižnieks, Council of Europe Commissioner for Human Rights, and Jean-Paul Costa, President of the International Institute of Human Rights and former President of the European Court of Human Rights.

56. In addition, on 5 December 2014, the Directorate of Judicial Services organized a conference, open to the general public, on the prohibition of discrimination under the Convention for the Protection of Human Rights and Fundamental Freedoms.

57. The conference was moderated by Jean-François Renucci, Professor at the Faculty of Law of the University of Nice Sophia-Antipolis and a renowned expert in the field of human rights.

58. More recently, the Directorate of Judicial Services held another conference, again moderated by Professor Renucci and open to all, on the Convention for the Protection of Human Rights and Fundamental Freedoms and the school environment.

Recommendations Nos. 89.29 to 89.36 on strengthening the fight against all forms of discrimination, in particular racial discrimination, xenophobia and other forms of intolerance, including by making specific criminal provisions introducing racist motivation as an aggravating circumstance

59. Under Monegasque positive law, it is already possible to adequately punish crimes or offences motivated by racial hatred. Articles 17, 23 and 32 of the Constitution and Act No. 1.299 of 15 July 2005 on freedom of public expression are notable in this regard.

60. Act No. 1.435 of 8 November 2016 on combating cybercrime established that racist motivation generally constitutes an aggravating circumstance in all offences involving threats.

61. The Act provided for the insertion of a new article 234-2 in the Criminal Code, as follows:

> *"If directed against a person or group of persons on account of their origin or real or presumed membership or non-membership of a particular ethnic group, people, race or religion, or on account of their real or presumed sexual orientation, the threats referred to in article 230 shall be punishable by imprisonment of between 2 and 5 years and by the fine stipulated in article 26 (4), those referred to in articles 231 and 232 by imprisonment of between 1 and 5 years and by the fine stipulated in article 26 (4), those referred to in articles 233 and 234 by imprisonment of between 6 months and 3 years and by the fine stipulated in article 26 (3)."*

62. Bill No. 973 on strengthening the protection of individuals against defamation and insult, was submitted in a public meeting on 22 February 2018. The bill provides for aggravated non-public insult and for non-public defamation and establishes more severe penalties in cases of non-public insult or defamation towards a person or group of persons with aggravated motives, including their origin or real or presumed membership or non-membership of a particular ethnic group, people or race, and real or presumed commitment or non-commitment to a particular religion.

63. In practice, judges take into consideration the racist or discriminatory nature of the offence and hand down a stiffer sentence.

64. Furthermore, the Government submitted Bill No. 895 amending Act No. 975 of 12 July 1975 on the status of civil servants to the National Council, introducing into the Act the principle of non-discrimination between civil servants on the basis of their political, philosophical, religious or trade union opinions, sexual orientation, state of health, disability, physical appearance or ethnicity.

65. Finally, on 17 March 2017, Monaco ratified the Council of Europe Convention on Cybercrime and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

Recommendation No. 89.37 concerning the continuation of efforts to promote gender equality

66. Monaco continues to promote equality between men and women.

67. Under Act No. 1.440 of 5 December 2016 amending certain provisions of the Civil Code relating to name-giving and establishing pre-birth recognition of children, parents are

now permitted to give their children the mother's surname. Similarly, any person may bear and use the name of his or her spouse, substituting or adding to his or her own name, in the order which he or she chooses. The bill therefore enshrines gender equality in this area.

68. Moreover, Act No. 1.450 of 4 July 2017 on shared residence allows for the equal sharing of custody by the father and the mother, provided that it is in the child's interest.

69. A bill is being drafted to regulate night work. It will repeal the provision prohibiting night work for women, set forth in Ordinance-Law No. 677 of 2 December 1959 on working hours, as amended, which may be seen as a violation of gender equality.

70. Concerning non-discrimination and combating harassment in the workplace, Act No. 1.457 of 12 December 2017 on harassment and violence in the workplace entered into force on 23 December 2017.

71. To implement the provisions of this Act within the executive branch, the Government established a procedure for reporting acts or conducts that may fall under the Act, pursuant to the circular of 28 March 2018.

72. In 2015, a post of labour relations manager was created within the Human Resources and Training Department.

Recommendation No. 89.38 on the taking of measures to raise awareness of the rights set forth in the Act on specific forms of violence

(cf. the information provided in respect of recommendation 89.41 concerning NGOs)

73. Monaco has observed International Day for the Elimination of Violence against Women since 25 November 2016. Monaco became involved in this event as a result of joint deliberations by the Government, the National Council, the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation and associations working in this area. Poster campaigns launched for the occasion are disseminated via the government website, association websites and social media.

74. Other initiatives in this area include:

- The information page for victims of violence on the government website (https://service-public-particuliers.gouv.mc/Social-sante-et-famille/Action-sociale/Victimes-de-violences/Aides-aux-victimes-de-violences) and the Facebook page "*Journée Internationale de lutte contre les violences faites aux femmes*" [International Day to combat violence against women] created by Monaco
- A training campaign on caring for victims of violence, aimed at civil service and hospital staff
- A free anonymous helpline — 116-919 — to provide information to victims of domestic violence

75. The helpline is open from 9 a.m. until 8 p.m., 7 days a week. It is operated by the Department of Social Welfare and Social Services on Mondays from 9 a.m. until noon and by the Association d'Aide aux Victimes d'Infractions Pénales (AVIP) for the remaining opening hours.

76. After 8 p.m., the answering machine of AVIP provides the contact details of the Police Department, the accident and emergency department at the Princess Grace Public Hospital and the Public Prosecution Department so that victims can call the department that they require.

77. The Police Department can be reached 24 hours a day and will respond within 10 minutes of a call, where necessary. In view of the low number of calls made in the evening and the fast response times, it appears that the mechanism in place is meeting demand.

78. AVIP was established in July 2014 under Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence. It is a Government-approved association recognized under Ministerial Order No. 2014-660 of 20 November 2014. A civil servant has been seconded to this association since 1 May 2018.

79. The object of the association is to care for victims of criminal offences including violence in its broadest sense (physical, sexual, moral, etc.). It listens to them, tells them about the steps they can take to assert their rights and supports them throughout the process. Assistance is provided confidentially and free of charge. AVIP distributes brochures within the administration, the Palais de Justice (law courts) and the Police Department (see website: http://www.avip-monaco.org).

Recommendation No. 89.39 on complaints of human rights violations by the police

80. This recommendation was accepted in 2013, as it was considered already implemented.

81. The filing of complaints against police officers who have committed human rights violations does not present any legal difficulty. Furthermore, the Public Prosecutor oversees the police, including the criminal investigation police.

82. By virtue of Sovereign Order No. 765 of 13 November 2006 on the organization and functioning of the Police Department, as amended (art. 4), there is also a General Inspectorate of Police, which is under the direct authority of the Minister of the Interior. It acts on the instructions of the Minister of State, the Minister of the Interior or, with the agreement of the latter, at the request of the Director of the Police Department.

83. The Inspectorate is tasked with conducting internal investigations aimed at ensuring respect for police ethics. Cases may be referred to the Inspectorate by the judicial authority, in accordance with the law and in particular the Code of Criminal Procedure, when Police Department officials or officers are involved.

Recommendation No. 89.40 concerning persons convicted in Monaco and serving their sentences in France

84. This recommendation was accepted in 2013, as it was considered already implemented.

85. Monaco and France are bound by the Convention on Good-Neighbourliness, which provides that: "Persons sentenced to imprisonment for crimes under ordinary law shall be held in penal institutions in France [...]".

86. In 2016, France and Monaco concluded an agreement in principle (by means of an exchange of letters) that authorizes the sentence enforcement judge of Monaco to make regular visits to detainees convicted by the Monegasque courts and serving their sentences in French prisons in order to check that their conditions of detention are in conformity with the laws of Monaco. The sentence enforcement judge of Monaco has been made aware of this issue.

87. In 2017, only two prisoners were transferred to France to serve prison sentences of 10 months and 1 year, respectively. The two prisoners were placed under electronic surveillance in France and have not been visited by the Monegasque sentence enforcement judge. In 2018 so far, no prisoners have been transferred to France.

Recommendation No. 89.41 concerning the implementation of measures to encourage the establishment of non-governmental human rights organizations

88. In Monaco, there are many non-governmental organizations (NGOs) working for the defence of human rights: Mission Enfance, World Association of Children's Friends (AMADE-Monaco), GenderHopes/SheCanHeCan, Femmes Leaders Mondiales and AVIP, among others.

89. These NGOs benefit from financial and operational support from the Government. For example, Act No. 1.355 of 23 December 2008 concerning associations and federations of associations provides special dispensation for associations that defend the interests of victims to receive accreditation without undergoing a probation period, and thus be eligible for a grant to cover their operating costs.

Recommendation No. 89.42 concerning measures to guarantee the enjoyment of all economic, social and cultural rights

90. As the various measures highlighted in this document illustrate, Monaco continues to implement its policy of strengthening the promotion and protection of human rights, including economic, social and cultural rights.

91. In this context, the Government is drafting a bill on literary and artistic property, which modernizes Monegasque legislation in this area.

Recommendations Nos. 89.43 and 89.44 concerning the continuation of efforts for the equal guarantee of the right to free medical assistance and to education for all, particularly children, with special attention to those from disadvantaged environments

92. The right to health insurance is linked to paid work (private- or public-sector employment).

93. Children's medical coverage is determined by the employment of parents upon whom they are continuously and effectively dependent.

94. When a person is not in work and does not have a direct or indirect right to health insurance, he or she can benefit from State medical assistance, as introduced under Sovereign Order No. 5.743 of 3 March 2016. This basic medical coverage takes care of expenses incurred as a result of the sickness, maternity, disability or death of the claimant and, where appropriate, of his or her dependants.

95. It is available, subject to a means test, to all Monegasque nationals and persons who have resided in Monaco on a stable and regular basis for at least five years.

96. With regard to education for all, Act No. 1.334 of 12 July 2007 on education provides for compulsory education for all children of both sexes between 6 and 16 years of age. The Act provides for free primary and secondary (general and vocational) education in public educational institutions.

97. Moreover, the State contributes to meeting higher education costs incurred by families and students by providing scholarships according to need.

98. Act No. 1.425, adopted in 2016, establishing State financial aid to facilitate student access to loans was adopted in 2016.

Recommendation No. 89.45 concerning the protection of foreign workers, including through the revision of relevant legislation on their working conditions

99. This recommendation was accepted in 2013, as it was considered already implemented.

100. Monaco accepts this recommendation given that all workers legally employed in Monaco already enjoy the same working conditions.

101. There are 54,303 employees in Monaco, of whom 8.5 per cent work in the public sector and 16.2 per cent are resident in the country.

102. The distribution of nationalities is as follows: 63.7 per cent are French, 13.6 per cent Italian, 6.2 per cent Portuguese, 4.4 per cent Monegasque and 1.4 per cent British.

103. The tertiary sector accounts for 86.3 per cent of jobs, the secondary sector 13.5 per cent and the primary sector 0.2 per cent (Monegasque Institute of Statistics and Economic Studies, 2017 data).

Recommendation No. 89.46 concerning the adoption of pending legislation on harassment and the protection of non-Monegasque workers from any form of discrimination, particularly in terms of access to social and health services

104. This recommendation was accepted in 2013, as it was considered already implemented.

105. Monaco accepts this recommendation given that all legally employed workers in Monaco, whether foreign or local, already enjoy the same working conditions and social security cover in the event of illness or work-related accidents.

106. Act No. 1.457 on harassment and violence in the workplace was adopted on 12 December 2017. Acts of harassment, violence in the workplace (physical or psychological) and sexual blackmail are punishable by a term of imprisonment of 6 months to 2 years and/or a fine of €18,000 to €90,000.

107. The Act applies to all private- and public-sector employers, employees and trainees. Conversely, making false statements is also punished.

108. The appointment of a focal point is mandatory for all employers that are legal entities in public law, all companies that operate a State-granted monopoly and all entities that habitually employ more than 10 employees.

Recommendation No. 89.51 concerning cooperation with financial institutions and the recovery of funds of illicit origin

109. This recommendation was accepted in 2013, as it was considered already implemented.

110. Monaco wishes to recall the points highlighted during its 2013 review, including the fact that it provides effective judicial cooperation, irrespective of whether an agreement exists with the requesting State. Monaco cooperates on the basis of the principle of reciprocity and provides assistance to the various international organizations combating money-laundering.

111. The following may be recalled:

- Act No. 1.462 of 28 June 2018 strengthening the system for combating money-laundering, the financing of terrorism and corruption
- Act No. 1.362 of 3 August 2009 on the fight against money-laundering, the financing of terrorism and corruption
- Order No. 2.318 of 3 August 2009, amended by Order No 7.065 of 26 July 2018 setting the conditions for application of Act No. 1.362 of 3 August 2009 on the fight against money-laundering, the financing of terrorism and corruption
- Sovereign Order No. 1.675 of 10 June 2008 on procedures for the freezing of funds in the application of economic sanctions
- Sovereign Order No. 15.321 of 8 April 2002 on procedures for freezing funds in order to combat terrorism

112. Monaco is a member of or maintains relations with the following international bodies in order to exchange best practices with professionals engaged in the fight against terrorism and the financing of terrorism:

- United Nations Office on Drugs and Crime (UNODC)
- International Criminal Police Organization (INTERPOL)
- Council of Europe Counter-Terrorism Committee (CDCT)
- Egmont Group (an international forum that brings together the authorities responsible for processing reports of suspected money-laundering and terrorism financing)
- Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)
- Financial Action Task Force (FATF)
- Organization for Economic Cooperation and Development (OECD) Forum

113. Monaco joined a network of cooperation between States after ratifying the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism on 4 October 2016.

114. Given its status as a State member of the United Nations and having signed a number of economic and monetary agreements with France and Europe, Monaco applies sanctions — including asset freezes and economic sanctions, travel bans and restrictions on the flow of capital and of certain goods — against individuals or groups on the basis of Security Council resolutions, European Commission regulations and orders issued by France in the framework of its national mechanism for the freezing of assets.

115. To meet its international commitments, Monaco publishes the ministerial orders transposing these measures into domestic law in its Official Gazette. They are also available on the website of the Financial Circuits Information and Control Department (SICCFIN). Decisions on company delistings are transmitted in this way.

116. Finally, the Department of Budget and Treasury maintains a register of sanctions, whose content is communicated to the European and French authorities.

117. The Monegasque financial intelligence unit, SICCFIN, is the central national authority responsible for collecting, analysing and processing information linked to the fight against money-laundering, the financing of terrorism and corruption. It cooperates and exchanges information with its foreign counterparts on the basis of reciprocity (54 agreements have been signed to date). It may also issue recommendations.

118. SICCFIN may also publish specific calls for monitoring in respect of certain countries, entities or types of asset (such as cultural property). Thus, credit and financial institutions, insurance companies and certain professionals — a list of which is established by law — have a legal obligation to carry out monitoring activities and to report suspicions concerning transactions that might be connected with terrorism or have their origin in organized crime. Furthermore, a guide on good conduct has been developed for associations.

119. SICCFIN has investigative powers to deal with reported suspicions. It refers cases of non-compliance to the justice system (Public Prosecutor).

120. It is also responsible, in its capacity as an autonomous administrative authority, for the monitoring of professionals, bearing in mind that ignorance of legal obligations may also lead to administrative penalties being imposed on offenders.

121. Several representatives of SICCFIN appear on the list of expert assessors of MONEYVAL.

122. Act No. 1.462 of 28 June 2018, strengthening the system for combating money-laundering, the financing of terrorism and corruption, was adopted with a view to meeting new international standards, taking into account the latest recommendations of the Financial Action Task Force, updated in 2012, the observations of MONEYVAL assessors on the Monegasque legal framework and the new requirements of the fourth anti-money-laundering directive of the European Union.

B. Partial implementation of accepted recommendations

Recommendation No. 89.12 concerning the abolition of the penalty of banishment

123. While the concept of banishment still appears in the Criminal Code as entailing the deprivation of civil rights and removal from Monegasque territory, in fact this punishment has never been ordered and never will be.

124. The Government plans to abolish this measure through a bill on sentencing, which will repeal the provisions of the Criminal Code on banishment and which is expected to be submitted by 8 December 2018.

C. Recommendations that are or have been the subject of further study

125. Follow-up given to the 19 recommendations (Nos. 90.1 to 90.19) formulated during the previous review of 28 October 2013, and which Monaco committed to answering at a later date. Recommendations Nos. 90.2 and 90.3 may now be considered implemented.

Recommendation No. 90.1 concerning the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

126. A study on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is under way. It is proper to wait for its conclusion before any opinion may be given on the prospect of ratification.

Recommendations 90.2 and 90.3 concerning the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

127. Monaco acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2016.

Recommendations 90.4 and 90.5 concerning the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

128. The position expressed in 2014 is unchanged.

129. Monaco acceded to the above-mentioned Convention on 6 December 1991. It was brought into force for Monaco by Sovereign Order No. 10542 of 14 May 1992 and is therefore fully part of the body of Monegasque legal instruments which Monegasque judges may invoke. Article 20 of the Constitution expressly prohibits torture and cruel, inhuman or degrading treatment or punishment.

130. The establishment of an independent body to monitor prisons and other places of deprivation of liberty as a tool for the prevention of ill-treatment seems inappropriate to the situation of Monaco. The country has only one prison, which holds on average between 20 and 30 prisoners serving short sentences. Thus, it is not, strictly speaking, a detention centre.

131. Furthermore, conditions of detention are already monitored by the follow-up mechanisms of international organizations such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Committee against Torture.

132. No cases of ill-treatment or situations of poor material conditions have been identified or even alleged.

133. Therefore, Monaco cannot make a commitment to ratifying the Optional Protocol in question. However, the Government plans to conduct an impact assessment on its potential ratification.

Recommendations Nos. 90.6, 90.7, 90.8 and 90.9 on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance

134. The position expressed in 2014 is unchanged.

135. Monaco signed the International Convention for the Protection of All Persons from Enforced Disappearance on 7 February 2007, but a subsequent review of the Convention's provisions revealed constitutional and legislative incompatibilities with the provisions of Monegasque law.

136. However, a more in-depth study on the ratification of this Convention is under way.

Recommendations Nos. 90.10, 90.11, 90.12, 90.13, 90.14, 90.15 and 90.16 on the ratification of the Rome Statute of the International Criminal Court

137. The position expressed in 2014 is unchanged.

138. Ratification of the Rome Statute would require an in-depth reform of several laws, particularly the Constitution, the Criminal Code and the Code of Criminal Procedure. Even so, Monaco is determined to cooperate with the International Criminal Court, on a case-by-case basis, on matters on which the Court might request its cooperation.

139. Monaco has already responded to a request for assistance from the Prosecutor of the International Criminal Court. On the basis of article 87 (5) (a) of the Rome Statute, Monaco cooperated with the Court pursuant to a letter rogatory issued against a person being prosecuted on charges of crimes against humanity and war crimes.

140. The requested investigations did not concern evidence of the offences for which charges had been brought, but rather provisional and reparative measures that could be ordered in the interests of the victims.

141. The documents produced in response to the request for assistance were transmitted with a "speciality reservation" to the effect that the information contained in the documents cannot be used or transmitted for purposes other than those specified in the request.

Recommendations Nos. 90.17 to 90.19 on accession to the International Labour Organization and some of its Conventions

142. The position expressed in 2014 is unchanged.

143. Accession to the International Labour Organization and some of its Conventions raises the question of compatibility with trade union rights in Monaco and the system of priority in employment. Thus, the Government cannot provide an official response, but agrees to continue ongoing discussions.

144. The Constitution and the legislation and regulations in force in Monaco contain no discriminatory provisions on the grounds of race, colour, sex, language or religion. Monegasque nationals are given priority in employment solely for the purpose of their protection, as they are a minority in their country.

IV. International cooperation

Recommendations Nos. 89.47 to 89.50 on development cooperation

145. Bearing in mind that the main objective of official development assistance is "the promotion of the economic development and welfare of developing countries", the assistance provided by Monaco contributes towards the international goal of "providing adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions" (Sustainable Development Goal 1, target 1.a).

146. The strategic plan on official development assistance for the period 2018–2020 will contribute, in association with public and private partners, to meeting the most immediate needs of food security, health, education and employment, beyond the simple duty of assistance.

147. Concerning gender equality, women remain one of the main targets of the development assistance extended by Monaco. In this regard, the Government will continue its efforts to improve women's health, boost the education of girls and young girls and encourage women to enter the labour market (rural occupations, entrepreneurship).

148. The projected amount of official development assistance for the period 2018–2020 — €54 million — represents an annual increase of 15 per cent compared with the 2017 figure of €14 million. Monaco allocates at least 70 per cent of its development assistance to least developed countries.

149. Although this cooperation strategy focuses on 11 partner countries, mostly least developed countries, Monaco also carries out other activities in other regions of the world and in other contexts.

150. Thus, Monaco makes financial contributions to projects undertaken by the Union for the Mediterranean, including "Young Women as Job Creators" in 2014 and "Forming Responsible Citizens — Equal citizenship education to prevent school violence" between 2015 and 2018.

151. Monaco also provides financial support in the framework of the Council of Europe neighbourhood policy, including for a project to combat violence against women, domestic violence and violence against children in the southern Mediterranean region and for the Action Plan on Protecting Refugee and Migrant Children in Europe, in 2018 and 2019.

152. In 2010 and 2015, Monaco supported a project of the Organization for Security and Cooperation in Europe to prevent trafficking in persons and to assist children without parental care in the Republic of Moldova; since 2016, it has contributed financially to the programme "Combating Human Trafficking along Migration Routes", which aims to enhance investigation and protection capacities and mechanisms.

153. The contributions of Monaco to the United Nations — including the United Nations Entity for Gender Equality and the Empowerment of Women, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the United Nations Office on Drugs and Crime — and to the International Committee of the Red Cross also reflect its willingness to join a common effort.

154. Monaco participates in a programme for the strengthening of intersectoral cooperation (government and civil society) to improve assistance to victims of trafficking in West Africa, in partnership with the United Nations Office on Drugs and Crime in Senegal.

155. At the boundary of development and humanitarian assistance, Monaco works with the Office of the United Nations High Commissioner for Refugees on programmes to assist and protect refugees (in Morocco) and to enhance their access to education (in Lebanon) and employability (in Tunisia).

156. Monaco also contributes to the Physical Rehabilitation Programme of the International Committee of the Red Cross, focusing on persons with disabilities in Mali.

157. Accordingly, the Government has for many years committed to helping the most vulnerable and it intends to continue its efforts in the context of the Sustainable Development Goals.

Conclusion

158. Monaco recognizes the importance of the universal periodic review for the promotion and protection of human rights and pledges to monitor the policies it has put in place, in accordance with the recommendations it has accepted.

159. Monaco has strengthened its policy in the area of human rights by establishing two entities: the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation, which is responsible for handling appeals and disputes between citizens or users and administrations and public services; and AVIP, which operates in accordance with the Act on the prevention and punishment of specific forms of violence.

160. Additionally, an interministerial committee for the promotion and protection of women's rights will soon be established and will be led by an interministerial delegate tasked with promoting comprehensive and effective long-term policies.

161. Furthermore, Monaco has enriched its legislation by enacting laws on issues including the rights and freedoms of persons with disabilities, gender equality, harassment and violence in the workplace, medical consent and information and the fight against racism, by establishing an aggravating circumstance in that regard.

162. Monaco continues to engage in efforts to protect the most vulnerable, paying particular attention to education and the promotion of human rights awareness.

163. Finally, Monaco will continue to invest in the areas of food security, health, education, employment and gender equality, in the context of international cooperation.

United Nations A/HRC/WG.6/31/MCO/2

General Assembly

Distr.: General
27 August 2018
English
Original: English/French

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-first session
5–16 November 2018

Compilation on Monaco

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. Monaco was invited by several treaty bodies to become a party to the International Convention for the Protection of All Persons from Enforced Disappearance;[3] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;[4] the Convention relating to the Status of Stateless Persons;[5] the Convention on the Reduction of Statelessness;[6] the Optional Protocol to the International Covenant on Civil and Political Rights;[7] the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;[8] and the Rome Statute of the International Criminal Court.[9]

3. The Committee on the Elimination of Discrimination against Women recalled that it considered reservations to article 16 to be incompatible with the object and purpose of the Convention and indicated that it also considered reservations to article 7 to be in contravention of the Convention. The Committee recommended that Monaco review its reservations to the Convention with a view to their withdrawal.[10] The Committee on the Rights of the Child and the Human Rights Committee also requested that Monaco review its declarations and reservations to, respectively, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.[11] The Committee on Economic, Social and Cultural Rights reiterated its recommendation that Monaco withdraw its reservations and interpretative declarations to the International Covenant on Economic, Social and Cultural Rights.[12]

GE.18-14033 (E) 270818 300818
1814033

Please recycle

4. The Committee on the Rights of the Child urged Monaco to fulfil its reporting obligations under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.[13]

5. Monaco made annual financial contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR) during the period under review.[14]

6. In 2017, Monaco submitted its midterm report regarding the implementation of the recommendations made during the second cycle of the universal periodic review in 2013.[15]

III. National human rights framework[16]

7. The Human Rights Committee encouraged Monaco to expand the powers of the National Council in order to align the Monegasque legal system with the International Covenant on Civil and Political Rights.[17]

8. The Human Rights Committee took note of Sovereign Order No. 4.524 of 2013 on the establishment of the Office of the High Commissioner for the Protection of Rights, Liberties and for Mediation. It noted, however, that the Office had not yet been accredited by the International Coordinating Committee of National Human Rights Institutions (now the Global Alliance of National Human Rights Institutions) and recommended that Monaco encourage the Office to seek such accreditation.[18] The Committee on Economic, Social and Cultural Rights made a similar recommendation.[19]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[20]

9. The Committee on the Elimination of Discrimination against Women was concerned that Monaco did not have specific anti-discrimination legislation prohibiting direct and indirect discrimination. The Committee indicated that the absence of such legislation might constitute a barrier to women's access to justice in cases of sexual or gender-based discrimination and noted in that regard the nearly non-existent number of judgments issued in such cases and the low number of complaints to the High Commissioner for the Protection of Rights, Liberties and for Mediation. It recommended that Monaco adopt comprehensive anti-discrimination legislation that prohibited discrimination against all women and encompassed direct and indirect discrimination in both the public and private spheres, as well as intersecting forms of discrimination against women, which particularly affected women belonging to minority groups.[21]

10. The Committee noted with concern that legislation on nationality continued to include several provisions that discriminated against women, including the obligation for Monegasque women to fulfil a number of conditions in order to transmit their nationality to their children while Monegasque men could transmit their nationality without fulfilling such conditions. The Committee recommended that Monaco amend its nationality law to ensure that women and men had equal rights with regard to obtaining, keeping and transmitting nationality.[22]

11. The Committee on Economic, Social and Cultural Rights noted with concern that persons who had acquired Monegasque nationality through marriage could not transmit their nationality following a divorce. It recommended that Monaco amend its legislation to make the transmission of nationality possible for all Monegasques, regardless of how they had acquired that nationality.[23] The Committee on the Rights of the Child raised similar concerns.[24]

12. The Committee on the Elimination of Discrimination against Women noted the prohibition of discrimination in the Constitution, as well as in the law on freedom of public expression, which prohibited incitement to hatred and violence against an individual on the ground of sexual orientation. It was concerned, however, about the lack of anti-discrimination legislation protecting women who were lesbian, bisexual, transgender or intersex beyond those laws. It also noted with concern that violence based on sexual orientation or on being transgender or intersex was not considered an aggravating factor in the Criminal Code. It recommended that Monaco provide lesbian, bisexual, transgender and intersex women with the necessary protection from discrimination and violence, and that it adopt specific anti-discrimination legislation and criminal law provisions explicitly recognizing violence based on sexual orientation or on being transgender or intersex as an aggravating factor.[25]

13. The Committee on Economic, Social and Cultural Rights was concerned at the inadequacy of the measures taken by Monaco to ensure full access to culture for persons with disabilities and persons with low incomes. It recommended that Monaco increase its efforts to ensure access to culture for all, particularly for persons with disabilities and those living on low incomes. It also recommended that Monaco take measures to ensure that the entire population enjoyed the benefits of scientific progress and to protect moral and material interests resulting from scientific production.[26]

2. Development, the environment, and business and human rights[27]

14. The Committee on Economic, Social and Cultural Rights recommended that Monaco increase its efforts to meet the international objective of allocating 0.7 per cent of gross national product for official development assistance.[28]

15. The Committee on the Rights of the Child noted that it was possible in Monaco to file criminal complaints against business enterprises that did not ensure child-rights due diligence in their supply chain. However, it was concerned that domestic legislation did not explicitly state the obligations of companies acting under the jurisdiction or control of Monaco to respect the rights of the child in operations carried out outside its territory, and that legislation did not provide for accessible procedural safeguards in the case of such violations. The Committee recommended that Monaco establish and implement regulations to ensure that the business sector complied with international and national human rights, labour, environment and other standards; give special attention to the requirement of enterprises to undertake child-rights due diligence in their chain of suppliers and customers, including outside of the territory of Monaco; and establish effective and accessible procedural safeguards against business enterprises implicated in violations of children's rights.[29]

B. Civil and political rights

1. Right to life, liberty and security of person[30]

16. The Committee against Torture regretted the absence in the Criminal Code of a definition of torture in full conformity with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the lack of a specific provision establishing torture as a separate offence. It also remained concerned that Monegasque legislation did not recognize the crime of torture as not being subject to any statute of limitations or the principle of the invalidity of statements obtained by torture. The Committee reiterated its previous recommendation and requested that Monaco incorporate in its criminal law a definition of torture that covered all the elements contained in article 1 of the Convention.[31] It also requested that Monaco amend its legislation in order to recognize the crime of torture as not being subject to any statute of limitations and to incorporate the principle of the invalidity of statements obtained by torture.[32]

17. The Committee noted that the prison (*Maison d'Arrêt*) of Monaco was equipped to hold a small number of detainees for short periods of time and that it was not a detention centre in the strict sense of the term. While the Committee appreciated the conditions provided for detainees, including medical care, leisure and work opportunities and the

renovations and alterations carried out to improve conditions of detention, it remained concerned about the structural incompatibility of the prison and its facilities with its current use and the fact that a routine medical examination was not given to every individual upon arrival at the prison.[33] It invited Monaco to consider ways of adapting some of the infrastructure within the prison, or even a potential move to new facilities, and to provide for a routine medical examination of any person upon arrival at the prison.[34]

18. The Committee noted that Law No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence did not include specific provisions on redress and compensation for victims of torture or ill-treatment. Despite the fact that the common redress scheme applied to victims of torture, the Committee remained concerned that victims did not have access to a specific mechanism of redress, including such forms of reparation as rehabilitation, satisfaction and non-repetition. It reiterated its previous recommendations and requested that Monaco adopt specific provisions on redress and compensation for victims of torture or ill-treatment.[35]

19. The Committee on the Elimination of Discrimination against Women was concerned that Law No. 1.382 insufficiently addressed how the situation of women victims of violence differed from that of children and persons with disabilities, who were also included in the law, and excluded domestic violence when the couple was not living together or did not live together. It recommended that Monaco amend the law to adequately address the special needs of women victims of gender-based violence and to extend the definition of domestic violence to non-cohabiting couples.[36]

2. Administration of justice, including impunity, and the rule of law[37]

20. The Committee against Torture stated that Monaco should take urgent measures to formally establish by law the need to obtain the explicit consent of a person convicted in Monaco to his or her transfer to a neighbouring country.[38]

21. The same Committee stated that Monaco should continue to develop training programmes to ensure that all officials, including judges, law enforcement officials and other professionals, were familiar with the Convention against Torture. It recommended that Monaco provide specific training to those persons, including health-care professionals, who were in contact with prisoners and asylum seekers, on how to identify signs of torture and ill-treatment.[39]

22. The Committee on the Rights of the Child was concerned that the minimum age of criminal responsibility continued to be 13 years of age, and urged Monaco to consider the possibility of raising it. Additionally, the Committee recommended that Monaco consider repealing the amendment to the Code of Criminal Procedure that allowed children under 13 years of age to be placed in police custody for the needs of investigation.[40] The Committee against Torture made a similar recommendation.[41]

23. The Committee on the Rights of the Child also recommended that Monaco promote alternative measures to the juvenile justice system whenever possible; ensure that detention was used as a measure of last resort and for the shortest possible period of time; and ensure the provision of qualified legal aid to children in conflict with the law at an early stage of the procedures.[42]

3. Fundamental freedoms and the right to participate in public and political life[43]

24. The Human Rights Committee was concerned that publicly offending the royal family continued to be a crime punishable by imprisonment for up to five years, even though in practice punishment had usually been limited to the payment of a fine. It particularly deplored the jailing of an individual for defamation of judicial authorities and the Prince, and noted the disproportionate sentence handed down. The Committee recommended that Monaco review articles 58 to 60 of its Criminal Code on publicly offending the royal family to bring them into line with article 19 of the International Covenant on Civil and Political Rights. The Committee pointed out that all public figures, including those who held office at the highest level, were legitimately exposed to criticism and political dissent, and the laws should not establish harsher penalties solely on the basis of the status of the person being referred to.[44]

25. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Monaco to decriminalize defamation and make it part of the Civil Code in accordance with international standards, and to establish a freedom of information law that was in accordance with international standards.[45]

26. The Committee on Economic, Social and Cultural Rights was concerned about the discriminatory nature of the legislative restrictions on trade unions and trade union federations that stipulated that Monegasque or French nationals had to constitute the majority of trade union officials or of officers in the federal leadership of trade union federations. The Committee urged Monaco to review its legislation to allow access on a non-discriminatory basis to decision-making posts within the leadership of trade unions and the trade union federation.[46]

27. The Human Rights Committee was concerned at the delay in the adoption of legislation to abrogate the provisions on banishment and about the continued existence of that obsolete legislation. The Committee reiterated its recommendation that Monaco repeal its criminal provisions authorizing banishment, which were entirely inconsistent with article 12 of the International Covenant on Civil and Political Rights, and stressed that in no case might an individual be arbitrarily deprived of the right to enter his or her own country.[47]

28. The Committee on the Elimination of Discrimination against Women noted with concern that women continued to be underrepresented in decision-making positions, including on the Council of Government and the National Council. It recommended that Monaco adopt measures, including temporary special measures, in the form of statutory quotas, as well as financial incentives for political parties with an equal number and rank of women on their electoral lists, to ensure the equal representation of women.[48] The Committee on Economic, Social and Cultural Rights raised similar concerns, and recommended that Monaco increase its efforts to ensure that women were better represented in public affairs and politics, particularly within political bodies, including by taking steps to encourage women to run for office.[49]

4. Prohibition of all forms of slavery

29. The same Committee noted with concern that women were trafficked into Monaco for purposes of forced prostitution. It drew attention to target 5.2 of the Sustainable Development Goals, on eliminating all forms of violence against all women and girls, including trafficking and sexual and other types of exploitation, and recommended that Monaco, in cooperation with neighbouring countries, address the root causes of trafficking in women and their exploitation in prostitution by increasing efforts to improve their economic situation. It also recommended that Monaco strengthen measures to protect potential victims from trafficking, including by setting up a free 24/7 hotline and encouraging reporting by victims and witnesses, and providing witness protection programmes and temporary residence permits to victims, irrespective of their ability or willingness to cooperate with the prosecutorial authorities. It further recommended that Monaco, in cooperation with neighbouring countries, allocate specific funds for exit programmes for women who wished to leave prostitution.[50]

5. Right to privacy and family life

30. The Committee on the Elimination of Discrimination against Women noted with concern that women were prohibited from remarrying for 310 days following a divorce. It recommended that Monaco take swift measures to abolish that discriminatory prohibition.[51]

31. The Committee was also concerned that the separate marital property regime of Monaco failed to ensure that property that was acquired by both spouses during marriage was distributed equally between them following the dissolution of the marriage, unless they entered into a specific agreement to the contrary. It reminded Monaco of its obligation to provide, upon divorce or separation, for equality between the parties in the division of all property accumulated during the marriage and recommended that it make the necessary legal amendments to ensure that property acquired jointly during marriage or property over which neither of the spouses could establish their exclusive right of ownership was

regarded as owned by both spouses and was hence divided equally between them upon dissolution of their marriage.[52]

32. The Committee noted that, according to Law No. 595 of 1954, family benefits were mostly paid to the mother. It was concerned, however, about the indication by Monaco that, in the vast majority of cases, men were recognized as the formal head of household, noting that a scheme in which the woman was provided with the means to care for the children and the man was considered the head of the household reinforced traditional patriarchal attitudes. It recommended that Monaco take swift measures to abolish the recognition of men as the head of household by default.[53]

33. The same Committee noted with concern that the economic rights of women in de facto relationships were insufficiently protected. It recommended that Monaco make the necessary legislative amendments to ensure protection of the economic rights of women in de facto relationships.[54]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[55]

34. The Committee on Economic, Social and Cultural Rights was concerned about reports of informal employment in the hotel and catering and construction industries. It was also concerned that the working conditions of persons employed informally were not compatible with the requirements of the International Covenant on Economic, Social and Cultural Rights. The Committee recommended that Monaco step up inspections to ensure that no one was employed informally in its territory, and expedite the introduction of construction workers' licences. It also recommended that Monaco apply its legislation effectively in that regard, make it easier to file complaints and punish employers who did not comply with the law.[56]

35. The Committee on the Elimination of Discrimination against Women recommended that Monaco review its labour legislation with a view to, if necessary, bringing it into compliance with International Labour Organization standards.[57]

36. The same Committee noted the relatively high number of women migrant domestic workers in Monaco, and was concerned that the mechanisms in place to monitor their conditions of work might not be sufficient.[58] It also noted with concern the reportedly precarious working conditions of many foreign women employed in the cleaning sector.[59]

37. The Committee recommended that Monaco amend its legislation to increase the capacities and resources of the labour inspectorate to enable it to monitor the situation of domestic workers more effectively, including their recruitment and working conditions;[60] increase monitoring by the labour inspectorate of the working conditions in the cleaning sector, ensuring that inspections were also conducted in private households;[61] and inform domestic workers of their rights and facilitate complaints in cases of abuse.[62]

38. The Committee on Economic, Social and Cultural Rights was concerned at reports that in some cases the system of priorities established by Monaco in the area of employment resulted in instances of discrimination by employers with regard to the hiring and dismissal of non-nationals. *The Committee recommended that Monaco ensure that the* application of the system of priorities did not lead to abuses or discrimination in the hiring and dismissal of non-nationals and that it take steps to ensure that employees had an opportunity to learn of their rights and to facilitate the presentation of any complaints relating to cases of discrimination in employment.[63]

39. The Committee on the Elimination of Discrimination against Women was concerned at reports that foreign women had been arbitrarily dismissed following their maternity leave based on article 6 of Law No. 729 of 1963, which allowed for dismissals without reason, and recommended that Monaco amend the law to exclude the arbitrary dismissal of foreign women workers following maternity leave.[64]

40. The same Committee noted with concern vertical and horizontal segregation in the labour market and the absence in Law No. 729 of an explicit provision on the principle of

equal pay for work of equal value. It was also concerned about discriminatory regulations with regard to labour by women, including the prohibition of night work in certain professions or the prohibition of work in the production or sale of products that were against "good morals". The Committee recommended that Monaco address occupational segregation, including by adopting measures to eliminate discrimination against women in recruitment and promotion, and adopt the necessary legislative amendments to enforce the principle of equal pay for work of equal value in both the private and public sectors.[65]

2. Right to social security

41. The Committee on Economic, Social and Cultural Rights remained concerned that Monaco would not reduce the requirement of five years of residence for low-income non-Monegasque nationals to be eligible for certain social and medical benefits. It reiterated its recommendation that Monaco should reduce that requirement or put in place a mechanism to allow non-Monegasque nationals who had not yet completed five years of residence and were living on low incomes to be eligible for social benefits.[66]

3. Right to an adequate standard of living[67]

42. The Committee was concerned about difficulties encountered in finding accommodation by certain non-Monegasque nationals who had been working in Monaco for an extended period of time and about the retention of the five-year residence requirement for non-Monegasque nationals to be eligible for housing assistance. The Committee recommended that Monaco continue its efforts to find accommodation for non-Monegasque nationals who had been working in the country for an extended period of time, particularly by relaxing the conditions for access to housing, and that Monaco reduce the five-year residence requirement for access to housing aid for persons on low incomes residing in the country.[68]

4. Right to health[69]

43. The Committee was concerned at reports of the persistence of drug use among young people.[70] The Committee on the Rights of the Child raised similar concerns, and recommended that Monaco strengthen its measures to prevent drug, alcohol and tobacco abuse among adolescents by way of education on life skills, and that it provide rehabilitation, reintegration and recovery programmes specifically designed for child victims of drug and substance abuse.[71]

44. The Committee on the Rights of the Child was also concerned that domestic legislation and practice still did not guarantee free medical assistance to foreign children residing in Monaco for fewer than five years, and recommended that Monaco take all necessary measures to ensure that all children, including non-nationals, enjoyed the same access to and quality of health services.[72]

45. The Committee on the Elimination of Discrimination against Women was concerned that Monaco had not fully decriminalized voluntary termination of pregnancy and that information about access to abortion and post-abortion services, as well as to emergency contraceptives, was limited. It recommended that Monaco legalize abortion in cases of incest and severe fetal impairment and decriminalize it in all other cases.[73] The Human Rights Committee[74] and the Committee on Economic, Social and Cultural Rights[75] raised related concerns.

46. The Committee on Economic, Social and Cultural Rights was concerned that school programmes did not provide adolescents and young people with a full education in the areas of sexual and reproductive health and responsible sexual conduct. It recommended that Monaco provide full, age-appropriate education in the areas of sexual and reproductive health and responsible sexual conduct to male and female adolescents and young people, at all educational levels.[76]

5. Right to education[77]

47. UNESCO drew attention to certain characteristic that pertained to Monaco in particular, noting that the nationals of Monaco constituted a minority within the country.

One effect was that Monegasque children accounted for only some 20 per cent of the entire school population. In response to that situation, the Government had opted for policies aimed at protecting the Monegasque population, in accordance with the "national priority" principle enshrined in article 26 of the Constitution. In terms of access to pre-school education, Monegasque children were therefore given priority, followed by foreign residents according to the places available in teaching establishments. Certain forms of financial assistance also gave preference to Monegasque children, who were the main beneficiaries.[78]

48. UNESCO indicated that Monaco might be encouraged to take appropriate legislative measures to strengthen the right to education of children who were not Monegasque and to consider all possible measures to ensure that foreign children were allowed equal access to education.[79]

49. The Committee on the Elimination of Discrimination against Women was concerned that women continued to be drastically underrepresented in non-traditional fields of study. It recommended that Monaco adopt strategies, as well as targeted measures, to address structural barriers that might deter girls from enrolling in traditionally male-dominated fields of study, such as mathematics, information technology and science.[80]

D. Rights of specific persons or groups

1. Women[81]

50. The Committee noted with concern that measures taken by Monaco regarding the advancement of women's rights were seldom targeted at women alone, but rather frequently focused on the combination "women and the family" or "women and children". Such an approach might insufficiently take into consideration the situation of single women or women without children or the individual rights of women within the family, and furthermore perpetuated a stereotyped image of women as mothers and housewives.[82]

51. The Committee was also concerned that Monaco was not taking specific measures to counter discriminatory stereotypes of women, which remained prevalent in political discourse, the media and among the general public. It noted that professional functional titles of women remained masculine and was concerned that women played only a minor role in sports. The racing competitions were traditionally dominated by men and the Monte-Carlo Masters tournament was for male participants only. Furthermore, women often served as mere decoration in those sporting events, for example as "grid girls" during the Monaco Grand Prix. It recommended that Monaco adopt a comprehensive strategy to eliminate patriarchal attitudes and deep-rooted stereotypes concerning the roles and responsibilities of women and men in the family and in society, including by discouraging all purely "decorative roles" of women at sporting events in order to eliminate objectification of women.[83]

52. The Committee further noted with concern that, according to the Constitution of Monaco, the crown was passed based on male-preference cognatic primogeniture, which was discriminatory not only with regard to the members of the princely family, but also in terms of the high symbolic value of that rule, which assigned a higher value to a man than to a woman. It recommended that Monaco replace male-preference cognatic primogeniture with absolute cognatic primogeniture, with the crown being passed to the firstborn, independent of that person's sex, as had been done by most European monarchies.[84]

53. The Committee on Economic, Social and Cultural Rights was concerned that measures aimed at promoting a sharing of roles and responsibilities by men and women within the family, such as parental leave, were not implemented in practice. It recommended that Monaco take steps to encourage more equitable sharing by men and women of roles and responsibilities within the family, including the expansion of possibilities for parental leave for men.[85]

54. The Committee on the Elimination of Discrimination against Women was concerned about the persistence of gender-based violence against women in Monaco, particularly domestic violence. It noted with concern that there seemed to be an underreporting of

gender-based violence against women, as reflected by the number of complaints, the lenient penalties for perpetrators and insufficient enforcement of restraining and protection orders. It recommended that Monaco ensure effective access for victims to courts and tribunals and adequate responses by the authorities to all cases of gender-based violence against women, including through capacity-building with regard to the strict application of the relevant criminal law provisions; as appropriate, ex officio prosecution to bring alleged perpetrators to trial in a fair, impartial and expeditious manner; and the imposition of adequate penalties.[86] The Committee on Economic, Social and Cultural Rights raised similar concerns.[87]

55. The Committee on the Elimination of Discrimination against Women welcomed the enactment of Law No. 1.382 of 2011, which criminalized marital rape. It was concerned, however, that the definition of rape in the Criminal Code was not based on lack of consent. It recommended amending article 262 of the Criminal Code to ensure that the definition of rape was based on the lack of freely given consent.[88]

2. Children[89]

56. While welcoming the various initiatives undertaken by Monaco to guarantee the rights of the child, the Committee on the Rights of the Child noted with concern the lack of a comprehensive policy on children. It encouraged Monaco to develop and implement a comprehensive policy on children.[90]

57. The Committee noted that the concept of the best interest of the child underpinned the legal framework with respect to children's rights in Monaco, but regretted that domestic legislation contained neither the elements to be taken into account when assessing the child's best interests, nor the procedural safeguards to guarantee its implementation. It recommended that Monaco strengthen its efforts to ensure that the right of the child to have his or her best interests taken as a primary consideration was appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, and in all policies, programmes and projects relevant to and with an impact on children.[91]

58. The Committee regretted that, despite provisions prohibiting different forms of violence against children in the criminal law, Monaco continued to lack legislation explicitly prohibiting corporal punishment in all settings, including the home, institutions and all alternative care settings, as previously recommended by the Committee. It urged Monaco to introduce provisions expressly prohibiting corporal punishment in all settings, and to strengthen its efforts to promote positive, non-violent and participatory forms of child-rearing and discipline.[92]

59. The Committee also recommended that Monaco prioritize the elimination of violence against children and in particular develop a comprehensive national strategy to prevent and address all forms of violence against children.[93]

60. The Committee was also concerned at reports of cases of sexual abuse and child pornography on the Internet. It recommended that Monaco strengthen the capacity of the police and relevant personnel to receive complaints and investigate cases of sexual exploitation in a child-sensitive manner, including by providing appropriate training, and that it study the extent of the sexual abuse and sexual harassment in the digital media, especially on the Internet, and strengthen its modalities to detect and punish perpetrators.[94]

61. The Committee noted with regret the lack of a child helpline, which could be a critical tool for children to seek assistance and lodge complaints and for the competent authorities to monitor the situation of children and protect them from violations of their rights. It recommended that Monaco establish a toll-free 24-hour helpline available for all children at the national level and promote awareness of how children could access the helpline.[95]

3. Migrants, refugees, asylum seekers and internally displaced persons[96]

62. While noting that the French Office for the Protection of Refugees and Stateless Persons examined cases and issued advisory opinions, the Committee against Torture remained concerned about the lack of clarity regarding the legal grounds for the procedures

that were applicable to asylum seekers, the conduct of such procedures and the safeguards provided. The Committee was also concerned at the uncertainty surrounding the procedure for cooperation between Monaco and the French Office for the Protection of Refugees and Stateless Persons, which consisted merely of an exchange of letters between the authorities of France and Monaco. It further reiterated its concern regarding the lack of a mechanism for following up on the cases of asylum seekers dealt with by the Office. For the purpose of ensuring legal certainty, the Committee recommended that Monaco ensure that the procedures applicable to asylum seekers and the procedure for cooperation with the French Office for the Protection of Refugees and Stateless be made clearer and accessible to all, and urged Monaco to establish a mechanism for following up on the cases of asylum seekers dealt with by the Office.[97]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Monaco will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/MCIndex.aspx.
[2] For relevant recommendations, see A/HRC/25/12, paras. 89.1–89.9, 89.26, 90.1–90.19 and 91.1–91.4.
[3] See CEDAW/C/MCO/CO/1-3, para. 62.
[4] See CEDAW/C/MCO/CO/1-3, para. 62, E/C.12/MCO/CO/2-3, para. 26, and CRC/C/MCO/CO/2-3, para. 49.
[5] See CEDAW/C/MCO/CO/1-3, para. 32.
[6] Ibid.
[7] See CCPR/C/MCO/CO/3, para. 8.
[8] See E/C.12/MCO/CO/2-3, para. 25.
[9] See CRC/C/MCO/CO/2-3, para. 46.
[10] See CEDAW/C/MCO/CO/1-3, para. 10.
[11] See CCPR/C/MCO/CO/3, para. 7, and CRC/C/MCO/CO/2-3, para. 9.
[12] See E/C.12/MCO/CO/2-3, para. 8.
[13] See CRC/C/MCO/CO/2-3, para. 50.
[14] OHCHR, "Funding", in *OHCHR Report 2017*, pp. 79 and 83; *OHCHR Report 2016*, pp. 78–79, 83 and 87; *OHCHR Report 2015*, pp. 61, 65 and 70; *OHCHR Report 2014*, pp. 63, 67 and 71.
[15] See OHCHR, "UPR Mid-term reports". Available from www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
[16] For relevant recommendations, see A/HRC/25/12, paras. 89.10–89.22, 89.26–89.28, 89.40, 90.17 and 91.5.
[17] See CCPR/C/MCO/CO/3, para. 7.
[18] Ibid., para. 9.
[19] See E/C.12/MCO/CO/2-3, para. 9.
[20] For relevant recommendations, see A/HRC/25/12, paras. 89.23, 89.25, 89.29–89.36, 89.46, 91.7–91.8 and 91.11.
[21] See CEDAW/C/MCO/CO/1-3, paras. 13–14.
[22] Ibid., paras. 31–32.
[23] See E/C.12/MCO/CO/2-3, para. 11.
[24] See CRC/C/MCO/CO/2-3, para. 22.
[25] See CEDAW/C/MCO/CO/1-3, paras. 45–46.
[26] See E/C.12/MCO/CO/2-3, para. 24.
[27] For relevant recommendations, see A/HRC/25/12, paras. 89.47–89.50.
[28] See E/C.12/MCO/CO/2-3, para. 10.
[29] See CRC/C/MCO/CO/2-3, paras. 20–21.
[30] For relevant recommendations, see A/HRC/25/12, paras. 89.11 and 89.39–89.40.
[31] See CAT/C/MCO/CO/6, para. 8.
[32] Ibid., para. 9.
[33] Ibid., para. 16.
[34] Ibid., para. 17.
[35] Ibid., paras. 20–21.
[36] See CEDAW/C/MCO/CO/1-3, paras. 25–26.
[37] For relevant recommendations, see A/HRC/25/12, paras. 89.28 89.39–89.40, 89.51 and 91.10.
[38] See CAT/C/MCO/CO/6, para. 19.
[39] Ibid., para. 22.
[40] CRC/C/MCO/CO/2-3, paras. 47–48.
[41] See CAT/C/MCO/CO/6, para. 15.

[42] See CRC/C/MCO/CO/2-3, paras. 47–48.
[43] For relevant recommendations, see A/HRC/25/12, paras. 89.12, 89.41, 91.6 and 91.9.
[44] See CCPR/C/MCO/CO/3, para. 10.
[45] See UNESCO submission for the universal periodic review of Monaco, paras. 16–17.
[46] See E/C.12/MCO/CO/2-3, para. 16. See also CCPR/C/MCO/CO/3, para. 13.
[47] See CCPR/C/MCO/CO/3, para. 11.
[48] See CEDAW/C/MCO/CO/1-3, paras. 29–30.
[49] See E/C.12/MCO/CO/2-3, para. 12.
[50] See CEDAW/C/MCO/CO/1-3, paras. 27–28.
[51] Ibid., paras. 49–50.
[52] Ibid., paras. 47–48.
[53] Ibid., paras. 43–44.
[54] Ibid., paras. 55–56.
[55] For relevant recommendations, see A/HRC/25/12, paras. 89.23, 89.45–89.46 and 91.8.
[56] See E/C.12/MCO/CO/2-3, para. 15.
[57] See CEDAW/C/MCO/CO/1-3, para. 36.
[58] Ibid., paras. 39–40. See also E/C.12/MCO/CO/2-3, para. 14.
[59] See CEDAW/C/MCO/CO/1-3, para. 35.
[60] Ibid., para. 40. See also E/C.12/MCO/CO/2-3, para. 14.
[61] See CEDAW/C/MCO/CO/1-3, para. 36.
[62] Ibid., para. 40. See also E/C.12/MCO/CO/2-3, para. 14.
[63] See E/C.12/MCO/CO/2-3, para. 13.
[64] See CEDAW/C/MCO/CO/1-3, paras. 35–36.
[65] Ibid.
[66] See E/C.12/MCO/CO/2-3, para. 17.
[67] For the relevant recommendation, see A/HRC/25/12, para. 89.42.
[68] See E/C.12/MCO/CO/2-3, para. 19.
[69] For relevant recommendations, see A/HRC/25/12, paras. 89.43–89.44.
[70] See E/C.12/MCO/CO/2-3, para. 22.
[71] See CRC/C/MCO/CO/2-3, paras. 41–42.
[72] Ibid., paras. 37–38.
[73] See CEDAW/C/MCO/CO/1-3, paras. 41–42.
[74] See CCPR/C/MCO/CO/3, para. 12.
[75] See E/C.12/MCO/CO/2-3, para. 21.
[76] Ibid., para. 20. See also CEDAW/C/MCO/CO/1-3, paras. 33–34.
[77] For the relevant recommendation, see A/HRC/25/12, para. 89.49.
[78] See UNESCO submission, paras. 9–10.
[79] Ibid., paras. 11–12.
[80] See CEDAW/C/MCO/CO/1-3, paras. 33–34.
[81] For relevant recommendations, see A/HRC/25/12, paras. 89.23, 89.37–89.38.
[82] See CEDAW/C/MCO/CO/1-3, para. 19.
[83] Ibid., paras. 23–24.
[84] Ibid., paras. 15–16.
[85] See E/C.12/MCO/CO/2-3, para. 12.
[86] See CEDAW/C/MCO/CO/1-3, paras. 25–26.
[87] See E/C.12/MCO/CO/2-3, para. 18.
[88] See CEDAW/C/MCO/CO/1-3, paras. 25–26.
[89] For relevant recommendations, see A/HRC/25/12, paras. 89.43 and 89.49.
[90] See CRC/C/MCO/CO/2-3, paras. 10–11.
[91] Ibid., paras. 24–25.
[92] Ibid., paras. 28–29.
[93] Ibid., para. 34.
[94] Ibid., paras. 32–33.
[95] Ibid., paras. 35–36.
[96] For relevant recommendations, see A/HRC/25/12, paras. 89.32, 89.45–89.46, 91.9 and 91.11.
[97] See CAT/C/MCO/CO/6, paras. 12–13.

United Nations A/HRC/WG.6/31/MCO/3

General Assembly

Distr.: General
24 August 2018
English
Original: English/French

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-first session
5–16 November 2018

Summary of Stakeholders' submissions on Monaco*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 5 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. Regarding recommendations received in previous cycles,[4] the Office of the High Commissioner for the protection of rights, liberties and for mediation of Monaco expressed regret that the Monegasque authorities had not, for the time being, deemed it appropriate to move towards ratifying the Optional Protocol to the Convention against Torture and underlined that ratification would make it possible to assess detention conditions on a more regular basis, both within the Prison and in other places of deprivation of liberty, in advance of any complaints.[5]

3. Also concerning recommendations received in previous cycles,[6] the Office of the High Commissioner for the protection of rights, liberties and for mediation noted with satisfaction the recent ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (the Istanbul Convention).[7]

4. The European Commission against Racism and Intolerance (CoE-ECRI) noted that Monaco had still neither signed nor ratified Protocol No. 12 to the European Convention on Human Rights, which provided for a general prohibition of discrimination. It noted that the authorities feared that accession would jeopardise Monaco's social covenant, which provided for preferential treatment for its nationals, particularly in respect of employment

* The present document was not edited before being sent to United Nations translation services.

GE.18-13956 (E) 280818 300818
1813956

Please recycle

and housing.[8] CoE-ECRI recalled that certain distinctions based on nationality were made in the law of most Council of Europe member States and that furthermore, the contracting States were allowed a certain margin of appreciation in assessing whether and to what extent differences justify different treatment. Considering Monaco's particular situation and especially the fact that Monegasque nationals were a minority of residents, the aforementioned interpretation of the Protocol enabled certain prerogatives of Monegasques to be justified.[9] It reiterated its recommendation that Monaco ratify Protocol No. 12 to the European Convention on Human Rights.[10]

5. The International Campaign to Abolish Nuclear Weapons (ICAN) noted with appreciation that Monaco participated in the negotiation of the United Nations Treaty on the Prohibition of Nuclear weapons, but regretted that it was absent from the vote and had previously voted against the General Assembly resolution in 2016 that established the mandate for the nations to negotiate the treaty. ICAN recommended that Monaco sign and ratify the Treaty on the Prohibition of Nuclear Weapons.[11]

B. National human rights framework[12]

6. The Group of States against Corruption (CoE-GRECO) noted that Monaco was a constitutional monarchy where executive power devolved from the Prince. Government was exercised under the authority of the Prince by a Minister of State assisted by a Council of Government. The functioning of the National Council were regulated by the Constitution of 1962, Act. No. 771 of 1964 which was largely updated and amended in 2015, and its Rules of Procedure. Legislative power was shared between the Prince and the National Council. The members of the National Council did not have the power to initiate laws, however; their "proposals" must first be submitted to the Government (which also had the right to initiate draft laws) and the Government decided whether to submit the proposal as a bill of law or to discard it.[13]

7. CoE-GRECO indicated that the general transparency of the National Council's work remained an issue in spite of some recent reforms. It noted, inter alia, that consultations were a matter of practice and that there was no provision in law for any procedure which would make it possible, in all transparency to involve associations in the work or allow citizens to give their opinion without it being necessary for them to be formally invited to do so by a committee or the Council.[14] It recommended that significant measures be taken to enhance the transparency of the legislative process, including with regard to easy public access to adequate information on consultations held, and with regard to reasonable deadlines for submitting draft texts, amendments and working documents.[15]

8. The CoE-Commissioner for Human Rights welcomed the establishment in 2013 of the Office of the High Commissioner for the protection of rights, liberties and for mediation, which played a key role in the protection of human rights in the Principality. However, he considered that the High Commissioner's terms of reference could be extended, in particular by granting it the authority to initiate investigations of its own motion. The power to initiate investigations ex officio could first be applied to fighting discrimination, which is the core of the High Commissioner's terms of reference, as well as to issues relating to the rights of children.[16] CoE-ECRI made similar observations and also noted that the Office could be abolished by a simple sovereign order.[17]

9. The Office of the High Commissioner for the protection of rights, liberties and for mediation indicated that matters could be brought before it by anyone, regardless of their nationality or residence status. Its primary goal of protecting the rights and freedoms of citizens in their dealings with the State administration, together with the specific complementary mission entrusted to it in the area of anti-discrimination, meant that its role at the national level was that of a general human rights institution.[18]

10. The Office noted, however, that the institution did not satisfy all the criteria laid down in the Paris Principles, in particular because of the lack of collegiality in its functioning and the fact that it had been established by means of a regulatory text rather than by law, which had, for the time being, caused it not to request accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).[19] Nevertheless, the

Office emphasized that the conditions for its establishment were in accordance with the specificities of the Monegasque political system, which operated within the framework of a constitutional monarchy that was democratic, but not parliamentary. Thus, like other independent rule-of-law bodies in Monaco, the Office reported on its activities directly to the Sovereign Prince, in an annual report published on the institution's website.[20]

11. The Office was also competent to receive requests from certain authorities to give an opinion or carry out a study on any issue falling within its purview. The Office noted with regret, however, that its opinions and studies could be made public only by the authority that had requested them. The Office highlighted that, from a statutory standpoint, it enjoyed functional independence that reflected its institutional position, as well as guarantees laid down in its founding instrument, in terms of both the conditions of appointment of the High Commissioner and his or her operating conditions. Lastly, it was also stressed that, at the end of the Office's first four-year term in March 2018, a review of its functioning had been conducted, and that amendments to the text of the Ordinance were currently being considered so as to further enhance the effectiveness of the mechanism implemented since the creation of the Office.[21]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[22]

12. Regarding recommendations received in previous cycles,[23] the Office of the High Commissioner for the protection of rights, liberties and for mediation noted the persistently low number of cases brought before the institution in relation to the fight against discrimination. Although the reasons for that were manifold, the main one was undoubtedly the lack of provisions in domestic law defining and specifically prohibiting discrimination and discriminatory harassment, which made it difficult for the various public and private stakeholders even to understand those issues and for likely victims to be identified as such. While the Office had welcomed the significant progress achieved with the adoption of Act No. 1.410 of 2 December 2014, which had, for the first time, prohibited the differential treatment of persons with disabilities, it had had occasion to recall the need for legislators eventually to extend that prohibition to other grounds of discrimination.[24] The Office expressed the view that it should be possible to give thought to the enactment of an anti-discrimination text that was in keeping with existing priority regimes, as provided for and guaranteed by the Constitution, without calling them into question.[25]

13. The CoE-Commissioner for Human Rights expressed his belief that Monaco should strengthen legislation on protection against discrimination by passing a framework law on protection against all forms of this phenomenon. A law of this kind would make it possible to punish more effectively all instances of discrimination and, in addition, would constitute a strong signal for promoting equal opportunities for all.[26]

14. CoE-ECRI indicated that Monaco's Criminal Code did not expressly criminalise a number of crimes and misdemeanours to combat racism and racial discrimination including: genocide, its denial, public expression of an ideology claiming the superiority of a grouping of persons, and leadership or participation in the activities of a group which promotes racism. Similarly, the Criminal Code did not always stipulate that racist motives constituted aggravating circumstances for ordinary law offences. Monegasque law did not clearly define and did not expressly prohibit direct and indirect discrimination and lacked certain key components of effective legislation against discrimination such as the sharing of the burden of proof.[27]

15. CoE-ECRI recommended that the law explicitly make racist motivation an aggravating circumstance for all ordinary offences.[28] The High Commissioner for the Protection of Rights and Freedoms and Mediation made similar observations.[29]

16. CoE-ECRI also recommended that Monaco: adopt complete legislation on equal treatment and non-discrimination in the fields of private and administrative law;[30] assign to the High Commissioner for the Protection of Rights and Freedoms and for Mediation the function of providing victims of discrimination with legal aid, including representation in the event of court proceedings;[31] and publish their statistics relating to the number of racist, xenophobic, homophobic and transphobic offences reported to the police, the number of prosecutions, the reasons for non-prosecution and the outcome of prosecutions.[32]

17. Concerning gender equality, the Office of the High Commissioner for the protection of rights, liberties and for mediation underlined that the Monegasque legal order still contained some obsolete provisions, particularly in the field of social legislation, that should be either withdrawn or amended.[33]

18. The CoE-Commissioner for Human Rights noted with satisfaction that a bill had recently been passed by the National Council to enable non-married partners, including those of the same sex, to obtain legal recognition and protection of their union. He strongly encouraged the authorities to translate this project into action without delay.[34]

2. Civil and political rights

Right to life, liberty and security of person[35]

19. The Office of the High Commissioner for the protection of rights, liberties and for mediation indicated that, if Monaco were to ratify the Optional Protocol to the Convention against Torture, it would seem appropriate to incorporate, in the Criminal Code, a definition of torture in line with article 1 of the Convention.[36]

20. The Group of Experts on Action against Violence against Women and Domestic Violence (CoE-GREVIO) noted that the definition of domestic violence laid down in Law No. 1.382, described the relationship between the perpetrator and the victim as "spouse of the perpetrator or any other person who lives or has lived with him under the same roof on a long-term basis". CoE-GREVIO indicated that this definition introduced a condition which could exclude certain situations, such as couples who do not live together or "romances" among teenagers and young adults and that the exact scope of this condition depended on how it was applied by the courts and how the latter interpreted the requirement of living under the same roof "on a long-term basis". It strongly encouraged the authorities to adopt a definition of domestic violence in accordance with the definition given in the Istanbul Convention.[37]

21. CoE-ECRI noted that in order to enable homosexual couples to benefit from the new provisions on the prevention of domestic violence, the concept of "persons who live or have lived together under the same roof as the victim" was introduced to the Criminal Code following a long debate.[38]

Administration of justice, including impunity, and the rule of law[39]

22. CoE-GRECO noted that responsibility for ensuring the independence of the judiciary should, in principle, fall to the Judicial Service Commission. Compared to the executive, however, the Judicial Service Commission had only a minor role. Its existence was not guaranteed by the Constitution as it was established merely by legislation. Responsibility for chairing it automatically fell to the executive.[40] CoE-GRECO recommended that the authorities enhance the role and operational independence of the Judicial Service Commission, review its composition and give it a central role in guaranteeing the independence and good functioning of the justice system, as well as in the recruitment, career management and disciplinary proceedings in respect of judges and prosecutors.[41]

23. CoE-GRECO stated that given that Supreme Court judges did not serve full-time, conflict-of-interest rules were especially important, yet no such rules existed for members of the Court.[42] There was also a gap in the law as regards incompatibilities. CoE-GRECO recommended that: the appointment of members of the Supreme Court be based on a transparent procedure and adequate objective criteria; and that they be provided with

appropriate rules on incompatibilities, conflicts of interest and other obligations related to integrity.[43]

24. CoE-GRECO noted the practice of seconding judges and prosecutors to Monaco from a neighbouring country was based on a bilateral agreement between the neighbouring country and Monaco and developed in response to a demand for staff in the Monegasque judiciary. [44] Taking note of information received regarding appointment process, it considered that the situation granted too much discretion to the executive and that more transparent and objective procedures based on public calls for candidatures would be a major improvement.[45] It also noted that judges and prosecutors other than those assigned to the Supreme Court, in particular members of the Court of Review, had continued to engage in gainful and other activities in a neighbouring country, while serving as judges in Monaco.[46]

25. CoE-GRECO recommended that the authorities: ensure the transparency of the process for appointing judges and prosecutors in Monaco, whether seconded or not, based on clear and objective criteria;[47] carry out an assessment of the parallel activities performed by judges and prosecutors, including those who are still working in an neighbouring, and, depending on the results, take the necessary steps to ensure more robust and consistent rules on incompatibilities.[48]

26. CoE-GRECO indicated that Monaco had 38 judges, just under half of them women. It noted, however that women were still very much in the minority in the two highest courts (the Supreme Court and the Court of Review).[49]

Fundamental freedoms and the right to participate in public and political life[50]

27. Regarding recommendations received in previous cycles,[51] the Office of the High Commissioner for the protection of rights, liberties and for mediation stated that, in view of the long-term consequences of expulsion measures and the potentially disproportionate impact that such measures could have on the private and family lives of individuals who had always resided in Monaco and had all their connections there, it was desirable to establish a legal regime to protect "native children" (*enfants du pays*) from refoulement and expulsion, by restricting the removal of individuals who had been born and had always lived in Monaco to certain specific cases where there were imperative grounds for doing so.[52]

28. Concerning banishment, which could also be imposed on Monegasque citizens, the Office observed that, although the punishment had not been inflicted in practice for many years, it had still not been removed from the Criminal Code.[53]

29. CoE-ECRI noted that according to Article 4.4 of Ordinance-Law No. 399 of 6 October 1944 authorising the setting up of trade unions, the majority of members of a trade union bureau must be of Monegasque or French nationality. CoE-ECRI welcomed the fact that consideration was being given to reforming this law. It considered that this part of Article 4 should, in particular, be repealed in the private sector, where 98% of employees are of foreign nationality. CoE-ECRI stated that Monaco should repeal the provisions whereby a majority of the members of the organs of trade unions and their federations need to be Monegasque and French nationals.[54]

30. OSCE-ODIHR indicated that Parliamentary elections took place in Monaco on 11 February 2018 and that noting stakeholder confidence in the overall integrity of the electoral process it had recommended that no election observation activity be undertaken.[55]

Right to privacy and family life

31. Regarding a recommendation received in the first cycle,[56] and on the specific subject of video surveillance, the Office of the High Commissioner for the protection of rights, liberties and for mediation had welcomed the fact that Act No. 1.430 of 13 July 2016 on various measures relating to the preservation of national security had made it possible to fill the legal vacuum that had existed with regard to the introduction of a highly advanced remote street monitoring system in the Principality, bearing in mind the implications for respect for the right to privacy.[57]

32. The Office observed that the modalities for the implementation of article 5 of Act No. 1.430 had been further defined in a ministerial order, which, in particular, had specified the length of time for which data could be stored and had limited access to personal information to officials specifically designated and empowered to handle them by the Police Department, thereby implementing fully the recommendations issued in 2009 by the CoE-Commissioner for Human Rights.[58]

33. The CoE-Commissioner for Human Rights noted the passing of the law on the preservation of national security, which strengthened the means of action of the security services, authorizing, for example, surveillance of individuals without the need for a prior court order where there was a threat to national security. He encouraged the Monegasque authorities to make every effort to ensure that the committee set up to monitor the decisions of the executive in the surveillance field had the appropriate resources to fulfil its role and could act completely independently.[59]

34. CoE-ECRI noted that Order No. 1 447 of 28 December 1956 gave priority to men over women in determining who was to be considered head of household and thus obtained for those entitled through him or her certain social benefits. That rule, which also affected a significant number of foreign women, was condemned in legislative proposal 213, of April 2014, as discriminatory on grounds of gender. In order to bring that discrimination to an end, the drafters of the bill relied on the principle of equal treatment provided in the Constitution and proposed that Monegasque women be similarly allowed to claim head of household status. They considered that this minimum proposal could be extended to enfants du pays, and possibly to residents. CoE-ECRI urged the authorities to bring all discrimination of this kind to an end and recommended that Monaco increase the protection of foreign women against direct and indirect discrimination and provide for foreign women to be able to be heads of household in the same way as their male counterparts.[60]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[61]

35. CoE-ECRI noted information it had received that some foreign workers suffered from uncertain working conditions, such as in the cleaning, security and construction sectors. In the two first-named sectors, it was alleged to be common practice to conclude part-time contracts for extremely short working hours, although in practice the employees worked virtually full-time because they worked overtime. By altering the overtime, the employer could thus exert pressure on the employee. In the construction sector, some foreign employees were said to have been replaced after trying to organise themselves in order to claim their rights.[62]

36. CoE-ECRI also noted that according to information it had received t foreign women suffered twofold discrimination. It noted t allegations of the existence of a practice of dismissing female foreign employees shortly after their maternity leave, on the basis of law No. 729 of 16 March 1963, under which dismissal without reason was possible. CoE-ECRI stated that the responsible departments, particularly the Labour Inspectorate and, if a complaint was lodged, the High Commissioner, should investigate these allegations. Were these to prove accurate, the authorities should take measures to protect those employees and to combat the direct and indirect discrimination to which they were subjected.[63]

37. Regarding recommendations received in previous cycles,[64] the Office of the High Commissioner for the protection of rights, liberties and for mediation welcomed the entry into force of Act No. 1.457 of 12 December 2017 on workplace harassment and violence. The Office expressed regret, however, that the legislator had not deemed it necessary to include a specific definition of sexual harassment, as distinct from psychological harassment, in accordance with article 40 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. It noted that existing legislation explicitly addressed only sexual blackmail, which did not cover all forms of sexual harassment.[65]

Right to an adequate standard of living[66]

38. In the field of housing, CoE- ECRI was pleased to note measures adopted intended to facilitate access to housing such as opening up certain kinds of housing units protected by the State for enfants du pays who included: foreigners who were close relatives of a Monegasque, persons resident in Monaco since their birth, on condition that one of their parents was also resident in Monaco at that time, and persons continuously resident in Monaco for at least 40 years.[67] However, in view of the continuing pressure on the real estate market, it considered that the Monegasque authorities should further increase their activity in this field. It indicated that, at the same time, the authorities should take care not to create unjustified reasons for differentiating between different groups of foreigners and should analyse the extent to which foreigners forced in practice to live outside Monaco could also benefit from such arrangements.[68]

4. Rights of specific persons or groups

Women[69]

39. CoE-GREVIO strongly encouraged Monaco to request opinions or studies from the High Commissioner, such as a study into pay differences or resources, with a view to acquiring a better grasp of the challenges that stand in the way of achieving full and effective gender equality; and support policies that foster genuine equality between women and men and study any proposals that would serve that purpose.[70]

40. CoE-GREVIO indicated that, following the enactment of Law No. 1.382 of 20 July 2011 on specific forms of violence, Monaco now had extensive legislation focusing on not only preventive and protective measures but also law enforcement measures and integrated policies relating to violence against women. This law was a step forward in many respects, in particular because it criminalised new forms of violence such as harassment, forced marriage and female genital mutilation, explicitly recognised marital rape, and enabled the domestic nature of the violence to be taken into account in determining sentences in individual cases.[71]

41. CoE-GREVIO considered, nonetheless, that the law had not been totally successful in addressing all the specific aspects of the situation of women victims of violence or in taking account of their particular vulnerability as distinct from that of children and persons with disabilities who were also covered by the law. In this regard, CoE-GREVIO stated that when applying the provisions of the Istanbul Convention to all victims of domestic violence, the authorities must pay particular attention to women victims and differentiate their situation.[72]

42. CoE-GREVIO also urged Monaco to: set up a body tasked with driving policies for preventing and combating violence against women, and drawing up a national action plan;[73] and step up support of NGOs involved in combating violence against women.[74]

43. CoE-GREVIO welcomed the fact that 2016 saw the launch by the authorities of a new single, anonymous and free telephone helpline, for victims of domestic violence noting that unfortunately, this number generally transferred to an answerphone and was therefore not accessible round the clock.[75] CoE-GREVIO urged the authorities to ensure a helpline service fulfilling all the criteria of the Istanbul Convention, including in terms of the hours covered.[76]

44. CoE-GREVIO stated that given that there were no forensic medical officers in Monaco, support for victims, including victims of sexual violence, should be stepped up by providing health care professionals with special training and/or by ensuring the competent services have greater access to expert forensic opinions.[77]

45. CoE-GREVIO encouraged the authorities to take further account of the greater difficulties that may be encountered by foreign women who do not master the language of the country, and to do so throughout the various stages of support. CoE-GREVIO encouraged the authorities to take the necessary steps to ensure language does not constitute a "de facto" ground of discrimination against foreign women who were victims of violence.[78]

46. CoE-GREVIO also encouraged the authorities to pay further attention to victims of violence who were financially dependent on the perpetrator and to the consequences of economic violence, in particular by helping these victims to regain their full autonomy.[79]

Children[80]

47. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment of children in Monaco was lawful in the home and in alternative care and day care settings.[81]

48. GIEACPC indicated that during the previous cycle of the universal periodic review the issue of corporal punishment of children was raised in the compilation of United Nations information and the summary of stakeholders' information but nonetheless, no recommendations had been issued specifically on the issue.[82]

49. GIEACPC noted that the Government had repeatedly asserted that the criminal law on assault and battery, strengthened by amendments in 2007, adequately protected children from corporal punishment in all settings. However, there was no explicit prohibition of corporal punishment in the Penal Code or its amending laws.[83] The Committee on the Rights of the Child and the Committee Against Torture had both recommended that corporal punishment of children be prohibited in all settings.[84]

50. GIEACPC hoped that States would raise the issue during the review in 2018 and make a specific recommendation that Monaco draft and enact legislation as a matter of priority to clearly prohibit all corporal punishment of children in all settings, including in the home.[85]

51. The CoE-Commissioner stated that Monaco could strengthen protection of children's rights by banning all forms of corporal punishment of children as a clear demonstration that all forms of violence against children are unacceptable, and pointed out that some thirty Council of Europe member states had already introduced such a ban.[86]

Persons with disabilities[87]

52. The CoE-Commissioner welcomed the progress made in Monaco regarding the rights of people with disabilities, in particular the enactment in 2014 of a law giving persons with disabilities greater opportunities to obtain the support and assistance they need. The 2016 law on the accessibility of buildings was a further example of this progress.[88]

53. Regarding recommendations received in the previous cycle,[89] the Office of the High Commissioner for the protection of rights, liberties and for mediation noted with satisfaction the ratification, by the Principality of Monaco, of the Convention on the Rights of Persons with Disabilities in 2017.[90] It pointed out, however, that Monaco had not yet set up an independent national mechanism to monitor the implementation of the Convention, as required under article 33 thereof.[91]

Migrants, refugees, asylum seekers and internally displaced persons[92]

54. Concerning asylum applications, the Office of the High Commissioner for the protection of rights, liberties and for mediation noted that the Monegasque authorities were able to consult the French Office for the Protection of Refugees and Stateless Persons when dealing with asylum applications submitted to them, pursuant to letters exchanged between the Principality of Monaco and the French Republic in June and July 1955. Such consultation was not systematic, however, and the opinions of the French Office, when sought, were not binding on the Principality. While noting that there were currently no legal provisions specifically governing the procedure for processing asylum applications, the Office of the High Commissioner expressed the view that the procedure ought to be incorporated into domestic law, which should specify, in particular, the reception measures to be adopted by the State in favour of asylum seekers while their cases were being assessed and the relevant criteria on which the State should base its decisions to accept or reject applications, taking into account applicable international agreements, in particular the Convention relating to the Status of Refugees of 28 July 1951.[93]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland).
Haut Commissariat	Haut Commissariat à la protection des droits des libertés et à la médiation, Monaco (Monaco).
ICAN	International Campaign to Abolish Nuclear Weapons , Geneva (Switzerland).

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France). Attachments: (CoE-Grevio) Group of Experts on Action against Violence against Women and Domestic Violence. Baseline Evaluation Report, Monaco, Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Strasbourg, 2017; (CoE-GRECO) Group of States against Corruption, Fourth Round evaluation report, Corruption prevention in respect of members of parliament, judges and prosecutor of Monaco, adopted June 2017, published July 2017; (CoE-ECRI) European Commission against Racism and Intolerance, Report on Monaco, adopted on 8 December 2015, published March 2016.
OSCE-ODIHR	Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw, Poland.

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination.
ICESCR	International Covenant on Economic, Social and Cultural Rights.
OP-ICESCR	Optional Protocol to ICESCR.
ICCPR	International Covenant on Civil and Political Rights.
ICCPR-OP 1	Optional Protocol to ICCPR.
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty.
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women.
OP-CEDAW	Optional Protocol to CEDAW.
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
OP-CAT	Optional Protocol to CAT.
CRC	Convention on the Rights of the Child.
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict.
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography.
OP-CRC-IC	Optional Protocol to CRC on a communications procedure.
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
CRPD	Convention on the Rights of Persons with Disabilities.
OP-CRPD	Optional Protocol to CRPD.
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For the relevant recommendations, see A/HRC/25/12, paras. 89.1–89.9, 89.26, 90.1–90.19, 91.1–91.4.

[4] For relevant recommendations see A/HRC/12/3 paras. 81.7 (Azerbaijan) (United Kingdom) (Czech Republic) et 81.11 (Czech Republic), and A/HRC/25/12, paras. 89.11 (Maldives), 89.40 (Costa Rica), 90.4 (Brazil) (France) and 90.5 (Estonia) (Togo).

[5] Contributions du Haut Commissariat à la protection des droits des libertés et à la médiation de Monaco, p. 6.

[6] For relevant recommendations see A/HRC/12/3 para. 81.2 (France) (Slovenia) and A/HRC/25/12, para. 89.37 (Nigeria).
[7] Contributions du Haut Commissariat à la protection des droits des libertes et à la mediation de Monaco, p. 7.
[8] CoE-ECRI, para. 1.
[9] CoE-ECRI, paras. 2–3.
[10] CoE-ECRI, para. 4.
[11] ICAN, p. 1.
[12] For the relevant recommendations, see A/HRC/25/12, paras. 89.10–89.22., 89.26–89.28, 89.40, 90.17, 91.5.
[13] CoE-GRECO, paras. 14 and 16.
[14] CoE-GRECO, para. 19.
[15] CoE-GRECO, para. 22.
[16] Council of Europe, p. 2.
[17] CoE-ECRI, para. 20.
[18] Contributions du Haut Commissariat à la protection des droits des libertes et à la mediation de Monaco, p. 1.
[19] Contributions du Haut Commissariat à la protection des droits des libertes et à la mediation de Monaco, p. 1.
[20] Contributions du Haut Commissariat à la protection des droits des libertes et à la mediation de Monaco, p. 2.
[21] Contributions du Haut Commissariat à la protection des droits des libertes et à la mediation de Monaco, p. 2.
[22] For the relevant recommendations, see A/HRC/25/12, paras. 89.23, 89.25, 89.29–89.36, 89.46, 91.7, 91.8 and 91.11.
[23] For relevant recommendations see A/HRC/12/3 paras. 80.3 (Argentina), 80.4 (Brazil) and A/HRC/25/12, paras. 89. 29 (Ecuador), 89.30 (Tunisia), 89.31 (Cuba), 89.32 (Uruguay), 89.33 (Nigeria), 89.34 (Islamic Republic of Iran), 90.2 (France), 90.3 (Spain), 91.7 (Mexico).
[24] Contributions du Haut Commissariat à la protection des droits des libertes et à la mediation de Monaco, pp. 2–3.
[25] Contributions du Haut Commissariat à la protection des droits des libertes et à la mediation de Monaco, p. 3.
[26] Council of Europe, p. 2.
[27] CoE-ECRI, p. 9.
[28] CoE-ECRI, para. 13.
[29] Contributions du Haut Commissariat à la protection des droits des libertes et à la mediation de Monaco, p. 4.
[30] CoE-ECRI, para. 19.
[31] CoE-ECRI, para. 22.
[32] CoE-ECRI, para. 24.
[33] Contributions du Haut Commissariat à la protection des droits des libertes et à la mediation de Monaco, p. 3.
[34] Council of Europe, p. 3.
[35] For relevant recommendations see A/HRC/25/12, paras. 89.11, 89.39–89.40.
[36] Contributions du Haut Commissariat à la protection des droits des libertes et à la mediation de Monaco, p. 6.
[37] CoE-Grevio, paras. 6–7.
[38] CoE-ECRI, para. 37.
[39] For relevant recommendations see A/HRC/25/12, paras. 89.28 89.39–89.40, 89.51 and 91.10.
[40] CoE-GRECO, para. 84.
[41] CoE-GRECO, para. 87.
[42] CoE-GRECO, para. 90.
[43] CoE-GRECO, para. 91.
[44] CoE-GRECO, para. 97.
[45] CoE-GRECO, para. 103.
[46] CoE-GRECO, para. 136.
[47] CoE-GRECO, para. 103.
[48] CoE-GRECO, para. 136.
[49] CoE-GRECO, para. 59.
[50] For relevant recommendations see A/HRC/25/12, paras., paras. 89.12, 89.41, 91.6, 91.9.
[51] For relevant recommendations see A/HRC/12/3 paras. 80.18 (Czech Republic) and A/HRC/25/12, paras. 89.12 (Canada).

[52] Contributions du Haut Commissariat à la protection des droits des libertés et à la médiation de Monaco, p. 5.
[53] Contributions du Haut Commissariat à la protection des droits des libertés et à la médiation de Monaco, p. 6.
[54] CoE-ECRI, paras. 52–53.
[55] ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process: Monaco, p. 1.
[56] For relevant recommendations see A/HRC/12/3 para. 80.2. (Netherlands).
[57] Contributions du Haut Commissariat à la protection des droits des libertés et a la médiation de Monaco, p. 5.
[58] Contributions du Haut Commissariat à la protection des droits des libertés et à la médiation de Monaco, p. 5.
[59] Council of Europe, p. 3.
[60] CoE-ECRI, paras. 56–58.
[61] For relevant recommendations see A/HRC/25/12, paras. 89.23, 89.45–89.46, 91.8.
[62] CoE-ECRI, para. 51.
[63] CoE-ECRI, para. 51.
[64] For relevant recommendations see A/HRC/12/3 paras. 80.4 (Brazil) and 80.15 (Canada) and A/HRC/25/12, para. 89.46 (Republic of Moldova).
[65] Contributions du Haut Commissariat à la protection des droits des libertés et à la médiation de Monaco, p. 4.
[66] For relevant recommendations see A/HRC/25/12, para. 89.42.
[67] CoE-ECRI, paras. 42 and 54.
[68] CoE-ECRI, para. 54.
[69] For relevant recommendations see A/HRC/25/12, paras. 89.23, 89.37 and 89.38.
[70] CoE-Grevio, para.12.
[71] CoE-Grevio, para. 3.
[72] CoE-Grevio, para. 4.
[73] CoE-Grevio, para. 22.
[74] CoE-Grevio, para. 32.
[75] CoE-Grevio, para. 82.
[76] CoE-Grevio, para. 85.
[77] CoE-Grevio, p. 6.
[78] CoE-Grevio, para. 15.
[79] CoE-Grevio, para. 18.
[80] For relevant recommendations see A/HRC/25/12, paras 89.43, 89.49.
[81] GIE ACPC, para. 2.
[82] GIE ACPC, para. 1.1.
[83] GIE ACPC, para. 2.1.
[84] GIE ACPC, paras. 3.1–3.2.
[85] GIE ACPC, para. 1.3.
[86] Council of Europe, pp. 2–3.
[87] For relevant recommendations see A/HRC/25/12, paras. 89.13 and 89.24.
[88] Council of Europe, p. 3.
[89] For relevant recommendations see A/HRC/25/12, paras. 89.1 (France), 89.2 (Togo), 89.3 (Thailand), 89.4 (Morocco), 89.5 (Viet Nam), 89.6 (Spain), 89.7 (Albania) 89.8, (Indonesia), 89.9 (Tunisia).
[90] Contributions du Haut Commissariat à la protection des droits des libertés et à la médiation de Monaco, p. 5.
[91] Contributions du Haut Commissariat à la protection des droits des libertés et a la médiation de Monaco, p. 5.
[92] For relevant recommendations see A/HRC/25/12, para. 89.32, 89.45, 89.46, 91.9, 91.11.
[93] Contributions du Haut Commissariat à la protection des droits des libertés et à la médiation de Monaco, p. 6.